

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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2023:PHHC:072602
CR-3085-2023 (O&M)
Date of decision: 18.05.2023

Gurdial Singh (deceased) thr. Lrs.

..Petitioner (s)

Versus

Jit Singh and others

..Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Vivek K. Thakur, Advocate for the petitioners.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 17.09.2022 passed by the learned Additional Civil Judge, Sr. Div., Sultanpur Lodhi, Kapurthala vide which defence of the petitioner has been struck off.

Learned counsel for the petitioners submits that due to some inadvertence, petitioners have not filed reply to the application of the respondents. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners for the said purpose, as grave injustice will be caused to them if they are not permitted to do so.

After hearing learned counsel for the petitioners, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in the case. Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioners, this petition is allowed and impugned order dated 17.09.2022 is set aside. The learned Court below is directed to grant one effective opportunity to the petitioners to contest the application of the respondents, however subject to payment of Rs.1000/- as costs to the respondents.

Disposed of as above. Pending application, if any, also stands disposed of.

**(NIDHI GUPTA)
JUDGE**

18.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No