

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

269

CR-2576-2022 (O&M)
Date of decision: 27.02.2023

Surinderbir Singh and others

...Petitioners

Versus

Bachittar Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Lakshay Bector, Advocate for the petitioners.

None for the respondent despite service.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 31.5.2022 (Annexure P-3) in case No.CS/112/2020, titled as 'Bachittar Singh vs. Surinderbir Singh and others', passed by the learned Civil Judge (Jr. Divn.), Khanna, vide which the defence of the petitioners/defendants was struck off.

Learned counsel for the petitioners submits that the learned trial Court erred in passing the impugned order as no proper opportunity was given to the petitioners/defendants to file the written statement and reply to the stay application. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners to defend their case, as grave injustice will be caused to them if they are not permitted to do so.

Keeping in view the above facts as canvassed by ld. Counsel for the petitioners, this petition is allowed and impugned order dated

31.05.2022 (Annexure P-3) is set aside. The learned Court below is directed to grant one effective opportunity to the petitioners/defendants to defend their case, however subject to payment of Rs.1000/- as costs to the plaintiff-respondent.

Disposed of as above.

Pending application, if any, also stands disposed of.

(NIDHI GUPTA)
JUDGE

27.02.2023

Vijay Asija

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No