

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR – 5273 of 2022 (O&M)

Date of decision : 25.1.2023

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Punjab State Power Corporation Ltd. and others

.....Petitioners

vs.

Amit Kumar and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Shvetanshu Goel, Advocate for the petitioners.

Mr. Jasdeep Singh Kailey, Advocate for respondent No.1.

Mr. Sahil Sharma, Advocate for respondent no.4.

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H. S. Madaan, J.

1. On account of failure of defendants No. 4 to 6 to file written statement, despite affording of several opportunities in Civil suit No. 293 of 2021, titled as 'Amit Kumar vs. M/s Chandigarh Royale City, Chandigarh and others', pending in the Court of Civil Judge (Junior Division), Mohali, the said Court had struck off defence of defendants No. 4 to 6 and in view of statement made by the counsel representing such defendants, pleading no instructions, such defendants were proceeded against ex parte.

2. Now they have approached this Court by way of filing the present revision petition, praying that the impugned orders be set aside and they be granted an opportunity to file the written statement and ex parte proceedings qua them be set aside.

3. Notice of the revision petition was given to the plaintiff-respondent No.1, who has put in appearance through counsel.

4. I have heard learned counsel for the parties, besides going through the record.

5. No doubt, defendants No. 4 to 6 have been highly negligent and callous in not filing the written statement at the earliest, but still in the interest of justice and to ensure that the doors of contest are not shut upon such defendants, I find that they deserve to be granted one more opportunity to file the written statement and allowed to join the proceedings, though subject to payment of costs.

6. Therefore, the impugned orders dated 30.5.2022 and 20.7.2022, striking off the defence of defendants No. 4 to 6 and they being proceeded against ex parte, are set aside. Defendants No. 4 to 6 are granted one more opportunity to file the written statement on the next date of hearing in the trial Court, said to be fixed as 15.2.2023, subject to payment of Rs.10,000/- as costs.

7. The revision petitioners shall get a demand draft in the sum of Rs10,000/- prepared, in the name of the plaintiff and would hand it over to him or his counsel in the Court, only then such defendants would be allowed to join the proceedings and file the written statement.

8. With such observations, the revision petition stands disposed of.

25.1.2023
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No