

CR-4920-2022

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

Sr. No.116

CR-4920-2022

Date of Decision: 22.05.2023

HONEY KUMAR AND ANOTHER

....Petitioners

Versus

MANISH SONI

.....Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Piyush Aggarwal, Advocate,
for the petitioner.

ARCHANA PURI, J. (ORAL)

Challenge in the present revision petition is to the orders dated 04.01.2022 and 15.03.2022 passed by learned Lower Court, whereby the defence of the petitioners had been struck off, solely on ground that the statutory period of ninety days, in filing of the written statement has lapsed.

In pursuance of the notice issued, Mr. Tanvir Singh Attariwala, Advocate, has made appearance on behalf of the respondent and filed his Power of Attorney, which is taken on record.

Heard learned counsel for the parties.

Copies of the zimini orders passed by learned Lower Court prior to passing of the impugned order, have been placed on record as Annexures P-2 to P-7. Perusal of the said zimini orders reveals about the petitioner No.2/defendant No.2 to have made appearance through counsel on

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10.02.2020 and the case was further adjourned to 02.03.2020, for filing of written statement on behalf of the defendants. Thereupon, in pursuance of the constrained circumstances, due to Covid-19, the case was adjourned in the absence of the parties to 20.11.2020. Thereafter, when the case was again taken up on 10.09.2021, it was adjourned further for 10.11.2021, for filing of the written statement on behalf of the defendants. On 10.11.2021, written statement was not filed and the case was further adjourned to 06.12.2021, while observing that none has made appearance on behalf of defendant.

Perusal of the paperbook reveals that on 06.12.2021, the Bar was abstaining from Court work and the case was adjourned to 04.01.2022, on which date, defence of petitioner No.1/defendant No.1 was struck off. Thereafter, on 15.03.2022, defence of petitioner No.2/defendant No.2 was also struck off.

In the case titled as '*Babasaheb Raosaheb Kobarne and another Vs. Pyrotek India Private Limited and others*', it has been specifically observed that due to Covid-19 situation, the period from 15.03.2020 till 28.02.2022 should be excluded for the purpose of limitation, as may be prescribed under any General or SPECIAL LAWS, in respect of all judicial or quasi-judicial proceedings.

Considering the same and also considering the constrained circumstances, under which we all had been working, the instant revision petition, as such, is hereby allowed and only one opportunity is given to the petitioners/defendants to make appearance before learned Lower Court to file written statement on the next date of hearing i.e. 31.05.2023, as apprised

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by learned counsel for the petitioners. However, this opportunity is granted, subject to deposit of Rs.10,000/- as costs in the Poor Patient Funds of PGIMER, Chandigarh.

The receipt with regard to deposit of the costs, shall be filed before learned Lower Court before reception of the written statement.

Accordingly, the instant revision petition stands disposed of.

22.05.2023
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No