

CR-815-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.128

CR-815-2022 (O&M)
Date of Decision: 10.01.2024

THE MANAGER, PUNJAB GRAMIN BANK AND ANR.
...Petitioners

Versus

PREM PAL AND ORS.
.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ankit Kaushal, Advocate
for the petitioners.

None for respondent No.1.

Respondents No.2 to 4 proceeded against *ex parte*
vide order dated 14.10.2022.

ARCHANA PURI, J. (Oral)

CM-321-CII-2024

The present application has been filed for placing on record the
zimini orders, in consonance with the observations made in the order dated
11.12.2023.

In view of the averments made in the application, same is
allowed and the requisite zimini orders are taken on record.

Main case

Challenge in the present revision petition is to the order dated
21.12.2021 (Annexure P-2), passed by the court below, whereby the defence
of the petitioners (who were defendants No.2 and 3 before the Court below),
was struck off.

CR-815-2022 (O&M)

In pursuance of notice issued, petitioners/defendants No.2 and 3 did not make appearance and were proceeded against *ex parte*.

Learned counsel for the petitioners heard.

The material facts, as culled out from the paperbook are that initially, respondents had filed the suit for mandatory injunction and the present petitioners were impleaded as defendants No.2 and 3 in the said suit.

However, perusal of the zimini orders, which have been produced on record today itself, vide CM-321-CII-2024, reveals about the petitioners/defendants No.2 and 3 to have made appearance through counsel for the first time on 12.02.2020 and the case was adjourned for 04.04.2020. On 04.04.2020, the case was adjourned further for 02.07.2020, due to outbreak of Corona virus, as per order passed by learned District Judge and it remained pending continuously for the said purpose upto 16.12.2020, when the case was adjourned further for 28.01.2021.

On 28.01.2021, the written statement was not filed at the behest of the present petitioners and the case was further adjourned for 18.03.2021. Subsequently, on 18.03.2021, the case was adjourned for 18.05.2021. On 18.05.2021, again due to prevailing covid situation, the case was simply adjourned to 27.09.2021, without marking the presence of the parties. On 27.09.2021, neither the parties, nor their counsel had made appearance, on account of Bharat Bandh call and the case was adjourned to 11.11.2021. On 11.11.2021, written statement was not filed and the case was adjourned to 21.12.2021, on which dateb the impugned order was passed.

Perusal of the aforesaid orders, reveals that by and large, it was on account of constrained circumstances, prevailing due to Covid-19, the case was being adjourned, from time to time.

CR-815-2022 (O&M)

Considering the same, it shall be appropriate, in the interest of the justice, if one opportunity is given to the petitioners to make appearance before the court concerned on the date fixed and file written statement.

Accordingly, the instant revision petition is hereby accepted and the impugned order is set-aside.

The petitioners are directed to make appearance before the court below on the date fixed, which is stated to be 16.02.2024 and file written statement and thereupon the Court below shall proceed further the case, in accordance with the law.

10.01.2024
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No