

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

**CR No.1311 of 2024 (O&M)
Date of Decision:14.03.2024**

Gagandeep Singh Sethi and Another

...**Petitioners**

Versus

M/s. Primax Engineers and Consultants & Another

...**Respondents**

CORAM: HON'BLE MR. JUSTICE ARCHANA PURI

Present: Mr. Siddharth Gulati, Advocate
for the petitioners.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 24.11.2023 passed by the Court below whereby the defence of the petitioners-defendants was struck off by the Court below,,by order.

Heard learned counsel for the petitioners.

It is evident from the paper book that suit for recovery was filed at the instance of respondents/ plaintiffs wherein, the present petitioners who were defendant Nos.2 and 3 had made appearance in the Court below for the first time on 26.05.2023 and the case was further adjourned to 01.09.2023 for filing of Power of Attorney and written statement. On 01.09.2023, again on request of counsel of the present petitioners, the matter was adjourned to 06.10.2023 for filing of Power of Attorney and written statement. Though in the copy of the zimni order dated 06.10.2023 (Annexure P4), it is mentioned that the case was adjourned for 06.10.2023, but seemingly, it is an typographical mistake. However learned counsel submits that actually it was adjourned to 24.11.2023.

On subsequent date i.e. 24.11.2023, the defence of the petitioners was struck off.

Looking at the zimni orders so passed, which are placed on record and in the interest of justice, it shall be appropriate that the petitioners, are allowed to contest the suit on merits. As such, the revision petition is hereby allowed subject to payment of Rs.10,000/- as costs to be deposited with the PGI Poor Patients Welfare Funds within a period of 03 weeks from today.

The petitioners shall make appearance through counsel before the lower Court on the date fixed and shall file the written statement.

However, it is made clear that it shall only be one opportunity granted to file written statement, which if not so complied with, the Court may proceed further as per the impugned order.

(ARCHANA PURI)
JUDGE

14.03.2024
Sonia Puri

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No.