



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

128

CR-3752-2024

Date of Decision.:08.07.2024

Ashok Kumar Tiwari and Others

Petitioners

Vs.

Kuldeep Kaur and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Nitin Gupta, Advocate
for the petitioners.

DEEPAK GUPTA, J. (ORAL)

Petitioners before this Court are the defendant Nos.1, 2 & 4 before the trial Court in civil suit No.838/2023 titled 'Kuldeep Kaur versus Ashok Kumar Tiwari and Others'. In a suit for specific performance filed by respondent-Kuldeep Kaur, these petitioners- defendants have put in appearance before the trial Court for the first time on 06.10.2023. As they failed to file the written statement, their defence was directed to be struck off vide impugned order dated 20.05.2024, which order has been assailed by the petitioners before this Court.

2. Learned counsel also contends that petitioner No.3 is residing abroad whereas petitioner No.2 returned from abroad only today. Learned counsel request for only one opportunity for filing written statement submitting that other defendants are also yet to file the written statement.

3. In view of the submissions made by learned counsel for the petitioners, this petition is allowed by directing the trial Court to provide one

**CR-3752-2024****-2-**

opportunity to the petitioners- defendant Nos.1, 2 & 4 to file the written statement. However, it is subject to ₹10,000/- as cost payable by the petitioners- defendant Nos.1, 2 & 4 to the plaintiff- respondent Kuldeep Kaur by way of a Demand Draft. The next date of hearing is stated to 15.07.2024. The petitioner shall file the written statement on that date along with the Demand Draft.

4. Since this order has been passed without issuing any notice to the contesting respondent, therefore, in case, said respondent is aggrieved by this order, she will be at liberty to approach this Court.

(DEEPAK GUPTA)
JUDGE

July 08, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No