

S. No.122

2024:PHHC:082616



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

CR No.3651 of 2024

Date of Decision:04.07.2024

Kishan Dulare Dixit and another

.....Petitioners

Vs.

Sanjay Pandey and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kunal Dawar, Advocate with
Mr. Vipul Sharma, Advocate for the petitioners.

DEEPAK GUPTA, J. (Oral)

Defendants No.1 and 9 are before this Court, assailing the order dated 13.02.2024 (Annexure P.4) passed by the trial Court whereby their defence has been struck off, along with the defence of some other defendants, in a civil suit titled as “Sanjay Pandey Vs. Sh. Krishan Dulare Dixit and others ”.

2. Learned counsel contends that application of petitioner – defendant No.9 was still pending to delete his name from array of defendants, when his defence was struck off.

3. Learned counsel has also drawn attention towards order dated 13.05.2024 (Annexure P.8), whereby the application of defendant No.9 to delete his name was rejected by observing that his presence was required to effectually decide the authenticity of the alleged Will.

4. Learned counsel for the petitioners also submits that though appearance on their behalf was made on 06.07.2023 but because of the pendency of the application of defendant No.9, the written statement was not filed. It is also contended that immediately after passing of the impugned order, an



application (Annexure P.5) was moved seeking permission to file the written statement but the same was rejected by the Court vide Annexure P.7 on 13.05.2024.

5. Without adverting to the merits of the case and after considering the contentions raised by learned counsel for the petitioners, the present petition is hereby accepted by directing the trial Court to allow the petitioners- defendants No.1 and 9 to file the written statement. This is subject to deposit of costs of ₹10,000/- payable by the petitioners- defendants No.1 and 9 to the plaintiff- respondent No.1.

6. Since this order has been passed without any notice to the respondents, they will have the liberty to approach this Court, in case they are not satisfied. The next date of hearing is stated to be 12.07.2024 before the trial Court. Defendants No.1 and 9 shall be permitted to file the written statement on the date fixed.

July 04, 2024
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(DEEPAK GUPTA)
JUDGE

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