



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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129

CR-3913-2024 (O&M)  
Date of Decision.:16.07.2024

M/s Healthcare Trading Co. & another  
Vs.

Petitioners

Canara Bank

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Yogesh K. Saini, Advocate  
for the petitioners.

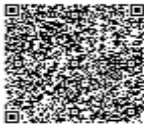
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DEEPAK GUPTA, J. (ORAL)

In the civil suit for recovery filed by the plaintiff bank (respondent herein) the defence of the defendants (petitioners herein) has been struck off by learned trial Court by way of impugned order dated 08.08.2023 (Annexure P-2), which has been assailed before this Court.

2. Learned counsel fairly conceded as there was some fault on the part of the defendants in not filing the written statement in time. He prays for one more opportunity.

3. Perusal of the orders passed by the Court below would reveal that appearance on behalf of the defendants- petitioners was made before the trial Court on 23.11.2022 and matter was adjourned for filing written statement for 17.04.2023. On 17.04.2023, written statement was not filed and Court adjourned the matter to 08.08.2023 by making it clear that in case, the same is not filed, the defence shall be struck off. Despite this warning, defendants failed to file the written statement and compelled by these circumstances, the Court struck off the defence.



4. It is evident that sufficient opportunities were provided to the defendants. However, in the interest of justice and considering the request made by learned counsel for the petitioners- defendants, the impugned order is set aside. Trial Court is directed to provide one opportunity to the petitioners- defendants to file the written statement subject to ₹25,000/- as cost payable by way of Demand Draft in favour of the respondent- plaintiff bank.

5. Since this order has been passed without issuing any notice to respondent- Bank, therefore, it will be at liberty to approach this Court, in case it will be aggrieved by the order.

Disposed of.

( DEEPAK GUPTA )  
JUDGE

July 16, 2024  
Neetika Tuteja

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |