



138

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

CR-561-2025

Date of decision: 29.01.2025

M/s Keshav Collection, Mohalla Muftia and another ...Petitioners

Versus

Indian Overseas Bank ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Amandeep Soni, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 26.11.2024 (Annexure P-8) passed by the Civil Judge (Junior Division), Jalandhar whereby the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that the case is listed for 13.03.2025 for the evidence of plaintiff and till date, no plaintiff's evidence has been recorded and thus, the case is at the initial stage. It is submitted that the petitioners are the only defendants and thus, in case the petitioners are not permitted to file their written statement then irreparable loss would be caused to them and thus, submits that the petitioners be granted one last opportunity to file their written statement and for the inconvenience caused to the respondent-plaintiff, the petitioners are ready to pay adequate costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of adequate costs should be granted to the petitioners to file their written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated



26.11.2024 to the extent that the defence of the petitioners has been struck off, is set aside and the petitioners are granted one last opportunity to file their written statement within a period of 15 days from today by moving an application before the trial Court with a copy to the counsel appearing on behalf of respondent-plaintiff before the trial Court. The same would be subject to the petitioners depositing an amount of Rs.20,000/- within a period of 15 days from today. On deposit of the said amount, the same would be released by the trial Court to the respondent/plaintiff.

4. It is made clear that in case the said amount is not deposited or the written statement is not filed within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent as issuance of notice to the respondent would further delay the proceedings and would also entail expenses for respondent to defend the present revision petition. However, it would be open to the respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

29.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

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