



CR-314-2025

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

(124)

CR-314-2025

Date of Decision: - 20.01.2025

M/s Subham Plastic Industries and another**....Petitioners****Versus****M/s Samridhi Enterprises****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 20.11.2024 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Ambala vide which the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, petitioner No.1 was proceeded against ex-parte on 18.08.2023 and on the same date, fresh notice was issued to petitioner No.2. It is further submitted that on 18.08.2023, an application was filed under Order 9 Rule 7 CPC read with Section 151 CPC for setting aside the order dated 18.08.2023, which was allowed vide order dated

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22.04.2024 and the case was adjourned to 12.08.2024 for filing the written statement. It is submitted that the impugned order was passed on 20.11.2024 vide which the defence of the petitioners was struck off. It is further submitted that on 20.11.2024, the petitioners had prepared the written statement and on account of the agitation/*dharna* by the farmers, the said written statement could not be signed and presented. It is submitted that in case, one opportunity is not granted to the petitioners for filing the written statement, then, irreparable loss would be caused to the petitioners and the suit would go on uncontested. It is further submitted that the next date before the trial Court is 21.02.2025 and the petitioners would file the written statement within a period of 15 days from today by moving an appropriate application before the trial Court. It is also submitted that for the inconvenience caused to the respondent, the petitioners are ready to pay reasonable costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one opportunity for filing the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 20.11.2024 is set aside to the extent that the defence of the petitioners has been struck off. The petitioners are granted one last opportunity to file their written statement within a period of 15 days from today by moving an appropriate application before the trial Court and the same would be subject to the petitioners depositing the cost of Rs.20,000/- and on their depositing the said amount, the same would be released by the trial Court

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to the respondent.

4. It is made clear that in case the written statement is not filed within a period of 15 days from today or that the cost of Rs.20,000/- is not deposited by the petitioners within the said period, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

January 20, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No