



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

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Civil Revision No.1023 of 2025 (O & M)

Date of decision :-18.02.2025

Axis Bank Ltd. and another

.....Petitioners

Versus

M/s Grover and Company

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shivoy Dhir, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 07.1.2025 (Annexure P-4) passed by the learned Civil Judge (Jr. Divn.), Chandigarh, in Civil Suit No.523 of 2024, titled as 'M/s Grover and Company vs. Axis Bank Limited and another', vide which defence of the petitioners/defendants has been struck off..

The concluding part of the impugned order dated 07.1.2025 (Annexure P-4) passed by the learned Civil Judge (Jr. Divn.), Chandigarh reads as under :-

“.....In this backdrop, the submissions made by the learned counsel for the plaintiff that the defendants are deliberately delaying the proceeding of the present case, seem to have force. Consequently, as despite availing sufficient time and opportunities, the defendants have remained failed to file written statement, hence, the defence of defendants is hereby struck off. Application under Order 8 Rule 1 CPC for striking off defence of defendant stands allowed....”



Learned counsel for the petitioners/defendants submits that the plaintiff/respondent herein had filed a Civil Suit No.523 of 2024 (Annexure P-2) for recovery of Rs.1,48,46,815.00/- i.e. unpaid amount of rent against the present petitioners. On 15.5.2024 counsel for the petitioners appeared and filed vakalatnama and thereafter the matter was adjourned to 06.8.2024. On 06.8.2024 adjournment was sought by learned counsel for the petitioners as the earlier branch head of the branch office at Sector 26 left the bank and new branch head had joined the bank, who had no knowledge about the facts of the case and because of which the matter was adjourned to 03.12.2024. On 03.12.2024, the concerned documents, which were required to file the written statement were not available with the branch and the matter was again adjourned for 07.1.2025. Learned counsel submits that meanwhile before 07.1.2025 the respondent/plaintiff had filed an application under Order 8 Rule 1 CPC but copy of the same in advance was never supplied to the present petitioners and the matter was fixed for filing of written statement and for filing of reply to the said application under Order 8 Rule 1 CPC. On 07.1.2025 the written statement was drafted and ready but the concerned branch head proceeded on mandatory leave from 07.1.2025 to 20.1.2025, which fact was not in the knowledge of learned counsel for the petitioners and because of the said reason the written statement could not get signed by the branch head who was the only person having power of attorney to sign the documents on behalf of Bank. Therefore, the written statement could not be filed on 07.1.2025 resulting into passing the impugned order dated 07.1.2025 (Annexure P-4).



Learned counsel submits that the petitioners/defendants would suffer irreparable loss if the impugned order dated 07.1.2025 (Annexure P-4) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners herein to file the written statement, as grave injustice will be caused to them if he is not permitted to do so.

After hearing learned counsel for the petitioners, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioners, this petition is allowed and impugned order dated 07.1.2025 (Annexure P-4) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioners/defendants herein to file the written statement, however subject to payment of Rs.10,000/- as costs to be deposited within two weeks from today in the "Poor Patients' Welfare Fund of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh".

Disposed of as above.

Pending application(s), if any, stands disposed of.

February 18, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No