

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3530 of 2015
Date of Decision: 21.5.2015.**

Indu Sharma

.....Petitioner

Versus

Madhu Randev and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Harsh Garg, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 13.3.2015 (Annexure P-1) whereby respondent No. 1 was permitted to file written statement.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Learned Trial Court while allowing respondent No. 1 to file joint written statement with defendant No. 2, has held as under:-

“Perusal of the record shows that the present suit was instituted on 11.12.2013 and in the present case there are total of 10 defendants. The present case is still fixed for summoning of the other defendants and it is only defendants No. 1 and 2 who have been served and have put in appearance. It is a matter of record that the written statement by defendant No. 1 was not filed with the

statutory prescribed period. Cost of Rs. 1000/- was imposed on the defendant no. 1/applicant for not filing written statement and last opportunity was granted in this regard on 20.5.2014. On the next date of hearing, since 26.7.2014 was holiday, again the case was adjourned to 5.8.2014 for filing written statement and payment of costs by defendant no. 1. Since the costs of Rs. 1000/- was not paid and written statement was not filed, the defence of defendant no. 1 was ordered to be struck off on the same day itself. Even though the order was rightly passed against defendant no. 1, but keeping in view the facts and circumstances of the present case and the interest of justice, the present application is allowed and the order dt. 5.8.2014 striking of the defence of the defendant no. 1 is recalled and the defendant no. 1 is allowed to join the proceedings by filing his written statement along with defendant no. 2. However, the present application is allowed subject to cost of Rs. 2000/- payable to the plaintiff by the defendant no. 1 on the next date of hearing.”

The reasons given by the Trial Court while allowing respondent No. 1 to file joint written statement with defendant No. 2 are sound reasons. The impugned order being just and fair, calls for no interference.

Dismissed.

**(SABINA)
JUDGE**

May 21, 2015
Gurpreet