

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8209 of 2015
Date of decision: 04.12.2015

Sumer Singh and another

... Petitioners

Versus

Bharat Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 17.07.2015, defence of the petitioners-defendants had since been struck off, as they failed to file their written statement despite adequate opportunities granted to them. For, even as the application for extension of time to file the written statement was also dismissed vide order dated 06.11.2015, rendered by Civil Judge (Jr. Divn.), Hodal, defendants-petitioners are before this court.

Ex facie, petitioners have been negligent and remiss in pursuing their cause, but it is also true that in case they are not granted one effective opportunity to file their written statement, they shall not only suffer an incalculable loss, but

that might also result in miscarriage of justice. As regards the inconvenience and the delay caused, respondents-plaintiffs could always be compensated by awarding the suitable costs. Particularly, when the matter is still at the stage of framing of issues and is listed for 11.12.2015.

That being so, the order dated 17.07.2015 as also the order dated 06.11.2015 are set aside and the revision petition is disposed of, without issuance of any formal notice to the respondents to avert any further delay and expenses that they shall have to incur to defend these proceedings, in the following terms:

i) Petitioners-defendants are granted one opportunity to file their written statement on the date already fixed i.e. 11.12.2015, before the trial court;

ii) In the event, petitioners fail to file their written statement on the said date i.e. 11.12.2015, their defence shall be deemed to have been struck off and no further opportunity to file the written statement shall be granted;

iii) This, however, shall be subject to payment of costs of ₹ 20,000/-, that shall be condition precedent.

December 4, 2015
Rajan

(Arun Palli)
Judge