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

**CR-3-2013 (O&M)**

**Date of decision : 17.02.2016**

Manoj Kumar and another

...Appellants

Versus

Churia and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Jagjeet Beniwal, Advocate  
for the petitioners.

Mr. Narayan Prasad Gupta, Advocate  
for respondent Nos.2 to 6, 8 to 10 and 28 to 31.

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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?

**AMIT RAWAL, J. (ORAL)**

The petitioners-defendants are aggrieved of the order dated 26.11.2012 (Annexure P-3) vide which the application seeking place on record the additional written statement on behalf of defendant Nos.1 and 2, has been declined.

Mr. Jagjeet Beniwal, learned counsel appearing on behalf of the petitioners-defendants submits that the petitioners-defendants were proceeded ex parte vide order dated 20.02.2009

but the said proceedings were set aside vide order dated 18.04.2009. One Mr. Jaibir Mirdha, Advocate filed admitted written statement without obtaining the signatures of the defendant Nos.1 and 2. The aforementioned written statement was filed on 08.06.2009 and realizing aforementioned facts, an application, in this regard, was moved on 23.03.2010. In case, the petitioner had to file admitted written statement, there was no occasion of contesting the suit, much less, setting aside of the ex parte proceedings. He submits that the provisions of Order 8 Rule 9 of the Code of Civil Procedure (hereinafter called 'CPC'), envisages filing of the additional written statement with leave of the Court. The aforementioned provisions though sought to be invoked, but the same were not referred to in the application.

Respondent No.1-Churia son of Jagar and his other collateral are impleaded as respondent Nos.2 to 5. The estate of respondent No.1-Churia is then being represented for the purpose of adjudication of the present revision petition.

I have heard the learned counsel for the petitioner and appraised the paper book.

On going through the written statement stated to be conceded one filed by Mr. Jaibir Mirdha did not bear the signatures of defendant Nos.1 and 2. I am in agreement with the submissions of Mr. Jagjeet Beniwal that once the petitioners-defendants had to file the admitted/conceded written statement, there was no occasion to seek ex parte proceedings set aside. Since, the provisions of

Order 8 Rule 9 CPC provides for filing of the additional written statement, I am of the view that the petitioner should be granted permission to file the additional written statement.

Keeping in view the aforementioned facts, the impugned order dated 26.11.2012 (Annexure P-3) is hereby set aside and the petitioners-defendants are permitted to file additional written statement.

With the aforesaid observations, the revision petition is allowed.

**17.02.2016**  
yogesh

**( AMIT RAWAL )**  
**JUDGE**