

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

Civil Revision No.3096 of 2016

Date of Decision : 02.05.2016

Prineet Kaur

.....Petitioner

Versus

Vikram Goyal and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Prateek Gupta, Advocate,
for the petitioner.

JITENDRA CHAUHAN, J. (ORAL)

By way of the present revision petition, the petitioner-defendant No.1 is seeking permission to file the written statement after the lapse of statutory period of 90 days.

The learned trial Court, vide order dated 03.11.2015, struck off the defence of petitioner-defendant

No.1 on the ground that petitioner could not file the written statement within the stipulated period.

It is contended that there was another civil suit between the petitioner and Vikram Goyal, wherein, the written statement had been already filed. Due to the similarity of the names, she remained under a bona fide belief that written statement in the present civil suit had already been filed. The delay is not deliberate and intentional. Moreover, the petitioner has not been benefitted in any manner by not filing the written statement. The suit is at the stage of plaintiffs' evidence. If the petitioner is allowed to file the written statement, it will not prejudice the case of the respondents and would advance the cause of justice.

Heard.

The suit is at a preliminary stage. The explanation rendered by the petitioner seems to be probable, due to similarity of the title in the other suit. The petitioner being the owner of the land had entered into an agreement to sell, which never culminated into actual sale. As many as fifteen suits have been filed against her by different persons. Thus, the mistake in question could be said to be inadvertent.

In view of the same, the present revision petition is allowed and the order dated 03.11.2015 (Annexure P1), is hereby set aside. The petitioner is directed to file written statement within a period of one week from the date of receipt of a certified copy of this order. However, the same shall be subject to deposit of Rs.10,000/- with the trial Court, as costs to be paid to the plaintiff-respondent Nos.1 and 2.

The order has been passed in the absence of the respondents in order to avoid unnecessary delay and expenses. In the event of the respondents having any objection, they may file application to that effect. On receipt of the application, the same be listed for hearing.

(JITENDRA CHAUHAN)
JUDGE

02.05.2016
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