

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

**CR No.8091 of 2016 (O&M).
Date of Decision: 24.01.2017.**

Devender Singh and othersPetitioners.

VERSUS

Lalita and anotherRespondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. N.K. Malhotra, Advocate for the petitioners.

SNEH PRASHAR, J.

CM-24379-CII-2016

Allowed, as prayed for.

CR-8091-2016

The petitioners are aggrieved by the order dated 16.09.2016 passed by learned Civil Judge (Senior Division), Rohtak vide which their defence was struck off by learned trial Court observing that despite lapse of required period of 90 days, the petitioners-defendants had failed to file their written statement.

The submissions made by Mr. N.K. Malhotra, learned counsel for the petitioners have been considered.

Learned counsel for the petitioners submits that since negotiations for compromise were going on between the parties, the petitioners could not file the written statement within the specified time.

Absence of pleadings will debar the petitioners from adducing evidence in

support of their defence and they will suffer an irreparable loss. As such, one opportunity is sought by learned counsel for the petitioners for filing their written statement.

To avoid further delay in disposal of the case, in my considered opinion, notice to the respondents in the light of prayer made by counsel for the petitioners-defendants is not required to be issued. The parties appear to be closely related as petitioner No.1 is husband of respondent-Lalita and petitioners No.2 to 5 are brothers and sisters of petitioner No.1 Devender Singh. Respective pleadings of the parties will be necessary and helpful to the Court for deciding the matter in dispute between the parties completely and effectively.

Thus, considering all aspects, one opportunity is given to the petitioner to file their written statement, subject to payment of Rs.5000/- as costs which shall be deposited by the petitioners with the Legal Aid Authority. Accordingly, the instant revision petition is partly allowed. Only one opportunity for filing written statement will be allowed by learned trial Court. In case the written statement is not filed on the said date, no further opportunity shall be accorded.

(SNEH PRASHAR)
JUDGE

24.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**