

CR-2156-2017 (O&M)

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

CR-2156-2017 (O&M)

Date of decision : 05.12.2018

Bhagwant Singh and others

... Petitioners

Versus

Sher Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Sarika Gupta, Advocate
for the applicants/petitioners.

Mr. Hitesh Kaplish, Advocate
for respondent Nos.1 to 4.

AMIT RAWAL, J.

CM-26163-CII-2017

For the reasons stated in the application, the application is allowed and the revision petition is ordered to be restored to its original number i.e. CR No.2156 of 2017.

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The petitioners-defendant Nos.1, 5, 4 and 14 are aggrieved of the impugned order dated 15.02.2017 (Annexure P-3), whereby, their evidence has been struck off.

Ms. Sarika Gupta, learned counsel for the petitioners submits that in case, one opportunity is granted, the petitioners will file the written statement, subject to any terms and conditions, which this Court deem fit.

Learned counsel for the respondents submits that the impugned order, under challenge, is perfectly legal and justified, much less, do not call

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for interference as many opportunities have been granted to the petitioners to conclude his evidence, thus, urges this Court for dismissal of the present revision petition with exemplary cost.

I have heard the counsel for the parties, appraised the paper-book and of the view that no doubt, the petitioners-defendants were negligent in filing the written statement, however, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioners to file the written statement.

Keeping in view the aforementioned observations, the impugned order is set aside and the petitioners shall file the written statement in accordance with law subject to payment of costs of ₹5,000/-, which shall be condition precedent. If the costs is not paid as directed, the impugned order passed already by the Court below shall stand restored.

Resultantly, the present revision petition stands allowed.

05.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**