

under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

In the partition suit filed by respondent no. 1, the petitioner had put in appearance through his counsel on 23.05.2018. Thereafter, for over 90 days, no written statement was filed by the petitioner resulting in passing of the impugned order striking off his defence.

In line with the principles of the natural justice as also not to preclude the petitioner from putting forth his defence at the threshold of the litigation which he is facing, subject to payment of Rs.10,000/- as costs to be paid by the petitioner to respondent no. 1, the impugned order is set aside and the petitioner is granted one opportunity to file his written statement. The same be filed within one week from today.

The above costs of Rs.10,000/- are being imposed not only for the reason that the petitioner failed to file his written statement within the stipulated period after having put in appearance before the Trial Court but also for the reason that he took six months to approach this Court to challenge the impugned order and in the meanwhile, the trial has progressed.

The revision petition is allowed in the above terms.

If the respondents are aggrieved by passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

March 19, 2019
monika

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

