

granted as many as 07 opportunities to file her written statement but when in spite of the above opportunities, no written statement was filed by her, the Trial Court struck off her defence through the order which is challenged through the present proceedings.

Learned counsel for the petitioner submits that the petitioner is a widow and could not file her written statement as she has to take care of her daughter who is studying in Delhi. He further submits that on 06.03.2019 i.e. the date when the impugned order was passed, the petitioner's written statement was ready but the same could not be filed due to some miscommunication between herself and her counsel appearing for her before the Trial Court. Therefore, learned counsel for the petitioner prays that subject to assessment of reasonable costs, one opportunity be granted to the petitioner to file her written statement before the Trial Court.

After considering the above submissions and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising her defence at the threshold of the litigation which she faces, subject to payment of Rs.25,000/- as costs to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one weeks time to file her written statement.

The Trial Court shall ensure that the costs awarded shall go into the account of the respondent.

If the respondent is aggrieved by passing of the present order, he is at liberty to approach this Court by filing of an appropriate application.

The revision petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

May 08, 2019
monika

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>