

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

CR-3546-2019 (O&M)
Date of decision: 13.11.2019

Mahender Singh

...Petitioner

Versus

Gopiram and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Jai Singh Yadav, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

On account of failure of defendant No.1-Mahender Singh, who is revisionist before this Court to file written statement within stipulated time, the trial Court of Civil Judge (Jr. Divn.) Rewari, vide order dated 08.04.2019, struck off his defence. The order is under challenge in the present revision petition.

It is contended that the revisionist has got a good case on merits but due to certain unavoidable reasons, he could not file the written statement within stipulated period, resultantly, his defence has been struck off, the order is very harsh and he would be greatly prejudiced if the same is allowed to stand, therefore, it be set aside and he be permitted to file the written statement, by way of acceptance of the revision petition.

Notice of the revision petition was given to the respondents who were duly served but have not turned up.

I have heard learned counsel for the revisionist besides going through the record.

Though the revisionist/defendant No.1 had definitely committed a lapse by not filing the written statement within stipulated period of 90 days but then, considering the facts and circumstances of the case, it comes out that he should be given one opportunity to present his view point before the Court by way of filing the written statement, of course, for causing delay in proceedings, he would be made liable to pay costs. Therefore, the revision petition is accepted; the order under challenge is set aside and the revisionist/defendant No.1 is afforded one opportunity to file written statement, subject to payment of Rs.10,000/- as costs to the respondent No.1/plaintiff. The trial Court shall fix a date for filing of written statement and the written statement shall be taken on record only if amount of costs is paid by the revisionist/defendant to the respondent No.1/plaintiff through counsel in the trial Court.

13.11.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No