

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

CR No.4429 of 2019

DATE OF DECISION:18.07.2019

Charni and another

...Petitioners

Vs.

Parminder Singh @ Joginder Singh @ Mohinder Singh and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Ms. Sarika Gupta, Advocate
for the petitioners(defendants No.1 and 2).

LALIT BATRA, J. (Oral)

This civil revision has been filed by petitioners(defendants No.1 and 2) impugning the legality of order dated 08.10.2018 (Annexure P-2), in terms of which, on account of non-filing of written statement within prescribed period of 90 days, defence of petitioners was struck off.

I have heard learned counsel for the petitioners and have also gone through the contents of petition especially the documents placed on record.

A bare perusal of record of the case reveals that till date, Civil Suit No.180 of 2017 titled “Parminder Singh and others Vs. Charni and others” is being adjourned time and again for effecting appearance of remaining defendants.

Keeping in view basic principle of law that everyone has right of hearing and, thus, no one should be condemned unheard, in this scenario petitioners should not have been deprived of their legal right to defend their cause. Since written statement is a basic document to substantiate the

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cause of a particular litigating party, in a present situation when the matter is still lingering on for the appearance of some of the defendants, thus, in a peculiar circumstance, petitioners are permitted to file written statement. Resultantly, impugned order dated 08.10.2018 (Annexure P-2) is set aside. However, it is made clear that learned trial Court would grant only one effective opportunity to the petitioners to file written statement and the said right would only be available to the petitioners, subject to deposit of costs of Rs.5000/- (Rupees five thousand only) by them favouring District Legal Services Authority, Shaheed Bhagat Singh Nagar.

In these terms, instant civil revision is allowed.

(LALIT BATRA)
JUDGE

18.07.2019

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Whether speaking/reasoned: Yes/No

Whether reportable:	Yes/No
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