

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

**CR No. 8292 of 2019 (O&M)
Date of decision: 20.12.2019**

Kirna

... Petitioner

Versus

Sukhwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Deepak Verma, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner, who is defendant No.1 in the suit, is aggrieved by an order dated 22.7.2019 (Annexure P-3), passed by the Civil Judge (Junior Division), Garhshankar, vide which her defence has since been struck off, as also the order dated 11.10.2019 (Annexure P-6), whereby even the application to recall the earlier order and permit her to file response has also been dismissed.

Ex facie, despite having availed numerous opportunities, as also the last opportunity, the petitioner failed to file the written statement. Thus, the Court was choice-less, but to strike off her defence. However, it shall be equally true if she is not granted, at least, one opportunity to submit her response, she may suffer an irreparable loss that might also result in miscarriage of justice. Whereas the plaintiff, he could always be compensated by awarding suitable costs.

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In the wake of the above, and without issuing notice to the respondent-plaintiff, to avert any further delay and the expenses that he shall have to incur to defend these proceedings, the impugned orders dated 22.7.2019 as also 11.10.2019 are set aside. The revision petition is accordingly disposed of in the following terms:-

- a) The petitioner (defendant No.1) is granted one last opportunity to file her written statement on or before 7.1.2020, when the matter is fixed before the trial court;
- b) In the event of default, the matter shall not be adjourned at any cost. No further opportunity shall be granted to the petitioner, and her defence shall be deemed to have been struck off; and
- c) This, however, shall be subject to costs of Rs. 10,000/- to be deposited before the trial court, which shall be a condition precedent.

(ARUN PALLI)
JUDGE

December 20, 2019
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO