

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

123

CR-129-2022

Date of Order: 07.02.2022

POOJA GUPTA

..Petitioner

Versus

LOV GUPTA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendant No.2 has filed this revision petition under Article 227 of the Constitution of India to set aside order dated 08.11.2021, passed by the learned Civil Judge, Senior Division, Chandigarh. The Court has struck off the defence of the petitioner on the ground that she has failed to file the written statement within the time prescribed. On perusal of the paperbook, it is evident that the petitioner entered appearance on 16.09.2021. On 08.10.2021, the defendant No.1 was proceeded ex parte. On 08.11.2021, the defence of the petitioner was struck off.

The learned counsel representing the petitioner contends that the Court did not wait for a period of 90 days before striking off his defence. He further contends that due to restricted functioning of the Courts on account of spread of Covid-19, the petitioner could not file the written statement. He submits that if the petitioner is granted opportunity, the written statement shall be filed before the next date of hearing.

Keeping in view the aforesaid facts, the order dated 08.11.2021, is set aside. The petitioner is granted one opportunity to file her written

statement on or before the next date of hearing before the trial Court. This order has been passed without issuing notice to respondent No.1 therefore, he shall have liberty to file an application for recall of the order, if so advised.

With these observation, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

February 07th, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No