

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

Sr. No.118

CR-132-2022

Date of Decision: 31.01.2022

KAMLA DEVI AND ANOTHER

...Petitioners

VERSUS

SUBE SINGH

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Akash Vashisht, Advocate,
for the petitioners.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present revision petition has been filed to assail the order dated 23.11.2021 passed by learned Additional Civil Judge (Senior Division), whereby the defence of the petitioners, who were defendants, before the Lower Court, has been struck off, on account of written statement having not been filed.

Perusal of the record reveals that the notice, at first instance, was ordered to be issued in pre-covid period and on 16.03.2021, again notice was issued to the defendants for 25.05.2021 and thereafter, the petitioners had made appearance on 14.09.2021 through counsel and an adjournment was sought for filing written statement. However, the details of the opportunities, so given, to the petitioners to file written statement have been given in the zimini orders, so annexed with the petition. It was only on 23.11.2021, when the written statement was not filed, despite last

opportunity and costs of Rs.500/-, the defence of the present petitioners, was struck off.

However, now it is submitted by learned counsel for the petitioner that due to prevailing pandemic situation, the petitioners could not file the written statement, and also he submits that one opportunity be given to the petitioners to file written statement.

On account of prevailing pandemic situation, the Courts are working under constrained circumstances and as a result of this pandemic, even the litigants have to face several difficulties, in pursuing the litigation. Considering such constrained circumstances, under which all of us are working, without prejudice to the rights of the parties to be adjudicated on merits, the present revision petition is allowed and the petitioners are hereby given one opportunity to file written statement, before the concerned court on the next date of hearing. However, the said opportunity is subject to the payment of Rs.10,000/- as costs, to be deposited by the petitioners, in the Legal Services Authority concerned, within a period of three weeks from today onwards.

(ARCHANA PURI)
JUDGE

31.01.2022

sonu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No