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

CR-1295-2020

Date of decision : 02.08.2022

Gurmeet Kaur and others**...Petitioners****Vs.****Arvinder Singh****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Charanpreet Singh, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners (defendant Nos.1 to 5) have filed this revision petition to challenge the order dated 19.11.2019 (Annexure P-2) passed by Civil Judge (Junior Division) Ludhiana, whereby their defence was struck off for not filing written statement within the stipulated period contemplated under Order VIII Rule 1 Code of Civil Procedure.

Learned counsel has argued that though the petitioners (defendants) had appeared before the trial Court on 17.05.2019 and sought time to file written statement, but the same was not filed despite two opportunities and the Court proceeded to strike off the defence of defendants vide order dated 19.11.2019. Learned counsel has drawn the attention of the Court to the application moved by defendants on the same date seeking permission to file written statement as it could not be filed before the lunch session and as the Presiding Officer proceeded on leave post lunch session, the said application remained un-decided. He submits that later, another application seeking recalling of the order dated 19.11.2019 was moved, but the same was also dismissed on 15.01.2020. He prays that the impugned

order be set aside.

Heard.

Upon considering the submissions of the learned counsel and examining the case file, this Court finds that plaintiff is seeking decree for specific performance of contract dated 20.03.2007 and in case defendants are not allowed to contest, it would cause serious prejudice to them. Further, the trial is at the initial stage as the plaintiff is yet to adduce his evidence.

In view of the limited relief prayed for by the petitioners, this Court is not inclined to issue notice to the respondent, as it may cause unnecessary burden upon him and the nature of order would not cause any prejudice to him, who shall be given an opportunity to controvert the written statement. However, it is made clear that in case, the plaintiff feels that the petitioners have not approached this Court with clean hands, it shall be open for him to seek recalling of this order.

Thus, the impugned order dated 19.11.2019 (Annexure P-2) is set aside and petitioners (defendant Nos.1 to 5) are directed to file written statement within next two weeks.

Disposed of.

(MANOJ BAJAJ)
JUDGE

02.08.2022

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