

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

**CR No.894 of 2022**

Date of decision: 17<sup>th</sup> March, 2022

The Deputy Commissioner, UT Chandigarh

... Petitioner

Versus

Naresh Kumar & another

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Namit Kumar, Advocate for the petitioner.

**FATEH DEEP SINGH, J. (ORAL)**

Instant civil revision petition by virtue of Article 227 of the Constitution of India has come about whereby petitioner Deputy Commissioner, Union Territory, Chandigarh has sought setting aside of the order dated 02.12.2021 (Annexure P10) passed by the learned Civil Judge (Junior Division), Chandigarh in civil suit pending between the UT Administration and one of the alleged employees whereby through impugned orders (Annexure P10) the Court below had passed the following order:-

*“Cost not paid. Written statement also not filed by defendant No.1 despite last opportunity. As such defence of defendant No.1 is hereby struck off. Now, the matter be listed on 07.01.2022 for filing replication.”*

Upon hearing Mr. Namit Kumar, Advocate for the petitioner and perusal of the records. Apparently the petitioner had appeared before

the Court consequent upon notice for the first time on 20.08.2021 and thereafter, two opportunities were afforded for filing of written statement but the petitioner failed to do so, thereby the Court imposed a cost of ₹100/- which too was not paid and eventually vide impugned order the defence of the petitioner was struck off and the matter was listed for filing replication which is the precise aggrievement before this Court.

No doubt and as is the stand of the learned counsel for the petitioner, there has been reticence by the department in not obeying with the orders of the Court, however keeping in view that by such casual approach of the officials of the department which may be intentional to help their own colleague and might lead to eventualities which may not be conducive for the interest of the department and its employees. It would subserve the ends of justice if the petitioner is allowed one more opportunity to file written statement and pay cost so imposed by the Court below. The petitioner shall put in appearance before the Court below on the date already fixed, i.e. 25.03.2022 for making compliance and thereafter the Court shall proceed ahead with the matter as per law.

The revision petition stands disposed off in those terms.

**(FATEH DEEP SINGH)**  
**JUDGE**

**March 17, 2022**

*rps*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No