

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

124

(Through Video Conferencing)

CR-872-2022

Date of decision: 14.03.2022

PINKY MAHNA

.....Petitioner

Versus

BALWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Thakur, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner (defendant) in Civil Suit No.340 of 2020 for possession by way of specific performance of contract is aggrieved by an order dated 07.12.2021 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), Indri vide which her defence was struck off.

Learned counsel for the petitioner submits that the petitioner was unable to file her written statement for genuine reasons which were beyond her control, as her husband suffered a paralytic stroke for which he was hospitalized and thereafter even during the pandemic he was hospitalized on account of his medical condition. In support, learned counsel has drawn the attention of this Court to Annexure P-2 which are the medical reports and hospital discharge summary slips of her husband. Learned counsel submits that the case is fixed for tomorrow i.e. 15.03.2022.

Ex-facie the petitioner was given four opportunities including last opportunity to file her written statement, however, she failed to do so despite being afforded last opportunity. At the same

time, if the petitioner is not granted at least one more opportunity to submit her response she may suffer irreparable loss resulting in miscarriage of justice.

In the wake of the above, without issuing notice to the respondent (plaintiff), to avert any further delay as well as the expenses which he shall have to incur to defend these proceedings, the impugned order dated 07.12.2021 is set aside. The instant revision petition is disposed of in the following terms:-

1. The petitioner (defendant) is granted one last opportunity to file her written statement. The trial Court is directed to give a short adjournment to the petitioner on the next date of hearing i.e. 15.03.2022 for filing of her written statement.

2. In the event of default by the petitioner on the date so adjourned, the matter shall not be adjourned any further for filing of her written statement and consequently her defence shall be deemed to be struck off.

3. This, however, shall be subject to payment of costs in the sum of Rs.7,000/- to be paid to the respondent (plaintiff) which shall be a condition precedent.

14.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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