

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

CR-1242-2022
Decided on : 04.04.2022

Punjab State Power Corp. Ltd.

..... Petitioner

Versus

Er. Raimel Singh (Retd.)

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kannan Malik, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner is defendant, in the suit and is aggrieved by the impugned order dated 10.11.2021 (annexed as Annexure P-1), passed by Civil Judge (Sr. Divn.) Patiala, vide which its defense was struck-off.

Learned counsel for the petitioner *inter alia* contends that after the civil suit in question was instituted, notice was issued to the petitioner-defendant for 23.04.2020. Subsequently, due to lock-down imposed on account of the pandemic, the case was adjourned from time to time as per the general instructions issued by the District and Sessions Judge, Patiala. On 15.03.2021, counsel for the petitioner appeared before the Court and sought time to file his reply. However, owing to the restricted functioning in the office of petitioner-defendant, there was a delay in filing the written statement as it had to be sent to the officials concerned for vetting and necessary approval and thus, adjournments were prayed for on 16.09.2021 and 10.11.2021 from the trial Court for filing the written statement. During the interregnum, a strike call was also given by PSPCL Unions, which caused further delay in filing of the written statement.

Heard.

No doubt, the petitioner has been negligent, however, the fact remains that in case it is not granted another opportunity to file its written statement, it could suffer irreparable loss, which in turn may result in miscarriage of justice. To settle the equity, the respondent can always be compensated with suitable costs.

Therefore, without issuing any notice to respondent and to avert any further delay, and also expenses which the respondent may have to incur to defend these proceedings, the impugned order dated 10.11.2021 is set-aside and the revision petition is disposed of in the following terms:-

- (i) The petitioner-defendant shall appear and file his written statement on the next date of hearing before the trial Court.
- (ii) In the event of default, the matter shall not be adjourned and no further opportunity shall be granted to the petitioner-defendant. The petitioner-defendant's defense would then be deemed to be struck-off.
- (iii) This, however, shall be subject to costs of Rs. 10,000/-, to be deposited before the trial Court, which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

04.04.2022
sonia

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