

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

CR 1304 of 2022 (O&M)

Date of Decision: April 08, 2022

Romi Manocha

...Petitioner

Versus

Sukhwinder Singh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Mohit Jaggi, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

This civil revision petition under Article 227 of the Constitution of India has been preferred by Romi Manocha against Sukhwinder Singh and others impugning order dated 29.11.2021 (Annexure P-1) passed in a civil suit for permanent injunction which is pending between then plaintiff now respondents and the petitioner then defendant. The Court of learned Civil Judge (Junior Division) Ludhiana on 29.11.2021

had passed the following order:-

“Written statement not filed by defendant No.1 despite granting sufficient opportunity. Perusal of the file reveals that Sh. N.P.Singh, Advocate filed power of attorney on behalf of defendant No. 1 on 27.04.2019, but written statement has not been filed till date. Sufficient time has elapsed. In view of order 8 of CPC defendant No.1 is barred from filing written statement in this case.

Cost of Rs.300/- paid by defendant No.2. Receipt regarding the same is placed on record. Written statement and reply to stay application not filed. A written request for adjournment has been filed by counsel for defendant No.2 Request considered and allowed. On request, the case stands adjourned to 06.12.2021 for filing of written statement and reply to stay application on behalf of defendant No.2, subject to costs of Rs.300/- which

is to be paid in DLSA, Ludhiana”.

It is the same, which is the subject matter of the present impugnement.

Heard Mr. Mohit Jaggi, learned counsel for the petitioner and perused the records.

On 05th February, 2021, 19th April 2021, 29th July 2021 and 3rd September 2021 and thereafter on 15th November 2021 sufficient opportunities were given to the defendant present petitioner to file written statement and for which costs were also imposed and on 29.11.2021 the impugned order was passed.

No doubt the Court below has given sufficient opportunities to the petitioner to file written statement but in spite of these opportunities having been availed, he has failed to do so is itself suggestive of the casual approach of the petitioner-defendant in not obeying the orders of the Court. Though no case for any indulgence is made out, however, in the light of fervent prayer made by the counsel for the petitioner

seeking one opportunity to enable his client to file written statement, this Court accedes to the prayer to meet the ends of justice with intention that a party should not be denied access to justice on such technicalities and where imposition of costs would sufficiently ease out any prejudice that is likely to be caused to the other side.

In the light of the same, the petition stands allowed and one opportunity is afforded to the revisionist defendant to appear before the Court below on 02.05.2022 and file written statement, however, the same shall be subject to payment of costs of Rs.1500/- to the opposite side and which shall be a pre-condition.

April 08, 2022

amit rana

(FATEH DEEP SINGH)**JUDGE**

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