

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

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**Civil Revision No.1668 of 2022
Decided on : 02.05.2022**

Indu Chopra and another

..... petitioners

Versus

Harish Chander

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.Chahit Bansal, Advocate
for the petitioners

Manjari Nehru Kaul, J.(Oral)

The petitioners are defendants No.1 and 2, in the suit and are aggrieved by the impugned order dated 21.03.2022 (annexed as Annexure P-1), passed by Civil Judge (Jr. Divn.) Ambala, vide which their defence was struck-off.

Learned counsel for the petitioners *inter alia* contends that after the civil suit in question was instituted, notice was issued to the petitioners-defendants for 04.07.2019. On 04.07.2019, the petitioners could not appear due to non-service of notices upon them. Thereafter, on the subsequent date, the matter could not be taken up. On 18.10.2019, power of attorney was filed on behalf of the petitioners-defendants No.1 and 2 and the counsel sought time to file reply on their behalf. On 06.01.2020, no one appeared on behalf of the parties and the matter was adjourned to 27.03.2020. However, owing to the restricted functioning of the Courts due to COVID-19, the matter could not be taken up. During the interregnum, on 10.02.2022, the District Bar Association, Ambala, requested the Court not to pass any adverse order due to rise of Covid-19 cases as un-vaccinated people were not allowed to enter the court premises, which caused further delay in filing

of the written statement and on 21.03.2022, the defence of the petitioners-defendants No.1 and 2 was struck off.

Heard.

No doubt, the petitioners have been negligent, however, the fact remains that in case, they are not granted another opportunity to file their written statement, they could suffer irreparable loss, which in turn may result in miscarriage of justice. To settle the equity, the respondents 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 21.03.2022 is set-aside and the revision petition is disposed of in the following terms:-

- (i) The petitioners-defendants No.1 and 2 shall appear and file their 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 petitioners-defendants No.1 and 2. The defence of petitioners-defendants No.1 and 2 would then be deemed to be struck-off.
- (iii) This, however, shall be subject to costs of Rs.1000/-, to be paid to respondent/plaintiff before the trial Court, which shall be a condition precedent.

(MANJARI NEHRU KAUL)
JUDGE

02.05.2022

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Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No