

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

**CR No.2223 of 2022 (O&M)
Date of Decision: 31.05.2022**

Angrej

.....Revisionist-petitioner.

Versus

Anju and another

.....Respondents.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Raghav Sharma, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 18.11.2021 passed by learned Civil Judge (Junior Division), Panipat (for short, 'the trial Court'), whereby the petitioner-defendant No.1 (here-in-after to be referred as 'defendant No.1') has been precluded from filing the written statement in the civil suit filed by respondent No.1-plaintiff against him and perforce respondent No.2, he (defendant No.1) has preferred the instant revision petition.

I have heard learned counsel for the petitioner-defendant No.1 in the present revision petition and have perused the file carefully.

Learned counsel for the petitioner-defendant No.1 contends

that defendant No.1 had appeared in the above-said civil suit on 24.11.2020 and since then, the Courts have been functioning in a restrictive manner all this while due to the out-break/spread of pandemic COVID-19 and therefore, he could not file his written statement in time and hence, the delay on his part in this regard was not intentional at all.

Though defendant No.1 has not filed the written statement well in time but keeping in view the fact that in case, he is deprived from filing written statement to defend in the above-said civil suit, he would suffer an irreparable loss that may further result in the mis-carriage of justice and also the fact that the Courts have been functioning in a restrictive manner due to the out-break of the said pandemic, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if defendant No.1 is allowed to file his written statement but subject to payment of cost.

Resultantly, without issuing the notice to the respondents so as to avoid any further delay in the trial of the said civil suit and also to avert the expenses that the respondents may have to incur to defend in the present petition, the impugned order dated 18.11.2021 is hereby set-aside and the revision petition in hand is hereby disposed of with a direction to defendant No.1 to file his written statement before the trial Court on 13.07.2022, i.e the next date as stated to have been fixed in the said civil suit but the payment of the cost of Rs.5,000/- shall be a condition precedent for doing so and in the eventuality of the default on his part in filing the written statement or the payment of the cost on the afore-said date, he shall

not be entitled to any further opportunity for the said purpose.

However, it is further clarified that in case the plaintiff-respondent No.1 feels aggrieved by this order, she shall be at liberty to move an appropriate application to contest the same.

May 31, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*