

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

126

CR-2536-2022

Date of decision: 15.07.2022

Harpreet Kaur

.....Petitioner

Versus

Navpreet Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Arora, Advocate and
Mr. Saurabh Gupta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner/defendant is impugning the order dated 05.05.2022 (Annexure P-7) passed by learned Additional Civil Judge (Sr. Divn.), Amritsar vide which an opportunity to file written statement was declined and her defence was ordered to be struck off.

Learned counsel *inter alia* submits that the petitioner put in an appearance on 01.11.2021 for the first time and thereafter the case was adjourned on the next two dates i.e. 07.02.2022 and 24.03.2022 when an adjournment was sought for filing of written statement. On 05.05.2022, her counsel was not able to represent her on account of some medical emergency in his family. Learned counsel in support has drawn the attention of this Court to Annexure P-5 dated 03.05.2022 wherein it stands reflected that his father had been hospitalized on account of some cardiac problem. A prayer has, therefore, been made for setting aside of the impugned order as it was for genuine reasons that the written statement could not be filed on 05.05.2022. Learned counsel submits that one last effective opportunity may be granted to the petitioner to file her written statement.

I have heard learned counsel and perused the material on

record.

No doubt, the petitioner was granted several opportunities to file her written statement, however, she failed to do so.

Be that as it may, if the petitioner is not granted one more opportunity to file her written statement, she would suffer irreparable loss which in turn would result in miscarriage of justice. Therefore, for just and proper adjudication of the case, this Court deems it appropriate to grant one last effective opportunity to the petitioner to file her written statement.

In the wake of the above, without issuing notice to the respondent, to avoid any further delay as well as expenses which the respondent shall have to incur to defend these proceedings, the impugned order dated 05.05.2022, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to file her written statement.
2. In the event of default by the petitioner, the case 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.2,000/- to be paid to the respondent which shall be a condition precedent.

15.07.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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