

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

125

**CR-2569-2022**

**Date of decision: 25.07.2022**

Harvinder Kaur

.....Petitioner

Versus

Gurcharan Singh

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Ashok Kumar Khunger, Advocate for the petitioner.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting aside of the order dated 18.04.2022 passed by learned Additional Civil Judge (Sr. Divn.), Sri Muktsar Sahib (Annexure P-3) vide which the defence of the petitioner/defendant was struck off.

Learned counsel for the petitioner *inter alia* contends that the petitioner appeared before the trial Court on 15.04.2021 and thereafter the case was adjourned to 08.07.2021 for filing of written statement. Thereafter the case was adjourned on multiple occasions, however, the petitioner was unable to file her written statement on account of the restricted functioning of the Courts due to the outbreak of the pandemic covid-19. Still further due to some miscommunication between the petitioner and her counsel which too was on account of the outbreak of the pandemic, she was not aware about the various dates of hearing. Learned counsel submits that the petitioner being a rustic lady belonging to rural background was not well versed with the nitty gritty of the Court proceedings and hence a lenient view be taken coupled

with the fact that the Hon'ble Apex Court had also been taking a lenient view and extending the period of limitation on account of the conditions subsequent to the outbreak of the pandemic. It is submitted that it was on account of the genuine reasons that the petitioner was unable to file her written statement. A prayer has, therefore, been made that a compassionate view be taken and the impugned order be set aside.

I have heard learned counsel and perused the material on record.

A perusal of the record reveals that the petitioner has indeed been negligent in pursuing the case. However, at the same time this Court is also conscious that due to the restrictions imposed subsequent to the outbreak of the pandemic covid-19 normal life had been disrupted. In the circumstances, this Court is of the opinion that 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 18.04.2022, 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.2,500/- to be paid to the respondent which shall be a condition precedent.

25.07.2022

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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