

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

**CR No.3026 of 2022**

Date of decision: 1<sup>st</sup> August, 2022

Sunny Singh @ Davinder Singh Ghai

... Petitioner

Versus

Aditi Garg & others

... Respondents

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

Present: Mr. Om Pal Sharma, Advocate for the petitioner.

**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 23.11.2021 passed by learned Civil Judge (Jr. Divn.), Ludhiana (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 27.11.2019 and thereafter the case was adjourned for filing of written statement. The case was adjourned on multiple occasions however, the petitioner was unable to file his 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 his counsel, which too was on account of the outbreak of the

pandemic, he was not aware about the various dates of hearing. Learned counsel submits that the petitioner came to know about the interim order only after engaging a new counsel and since the petitioner is not well versed with the nitty gritty of the Court proceedings, 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 his 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 his written statement, he 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 his 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 23.11.2021, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to file his written statement.
2. In the event of default by the petitioner, the case shall not be adjourned any further for filing of his written statement and consequently his defence shall be deemed to be struck off.
3. This, however, shall be subject to payment of costs in the sum of ₹ 2,000/- to be paid to the respondent which shall be a condition precedent.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**August 1, 2022**

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |