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

**CR-3008-2022 (O&M)
Date of decision: 01.08.2022**

Gurpreet Singh and another

... Petitioners

Vs.

Surjit Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the orders dated 10.01.2020 and 28.09.2021, vide which defence of the petitioners-defendants was struck off and application for permission to file the written statement was rejected.

Brief facts of the case are that respondent-plaintiff Surjit Singh filed a suit for specific performance of agreement to sell dated 03.04.2018 qua the suit land described in the plaint, against the petitioners-defendants. The petitioners put in appearance before the trial Court on 19.08.2019 through their counsel by way of filing Power of Attorney and thereafter, they availed number of opportunities, but the written statement was not filed and even the costs, which was imposed by the trial Court, for extending the time, was not paid.

The trial Court passed the impugned order dated 28.09.2021, by making the following observations: -

“I have heard the learned counsels for both the parties and have perused the file with their able assistance. Perusal of the record reveals that on 19.08.2019 the counsel for the defendants has filed power of attorney and thereafter, numerous opportunities were given to file the written statement and further cost had been imposed. However despite that, neither the written statement was filed nor the cost was paid and accordingly on 10.01.2020, the court had struck off the defence of the defendants. Now through instant application the applicant desires that the application under section 151 CPC be allowed and he be granted permission to file the written statement on record. Meaning thereby, in effect the defendants wants this court to review its own order. It is not the case of the defendants that they have not been given opportunity to file their written statement. Moreover, this court cannot review its own order and allow the defendants to file written statement. However the defendants/applicants are at liberty to resort to their legal remedies under law. No Ground is made out to allow the instant application and accordingly the same is declined. Now to come up on 12.10.2021 for plaintiff evidence.”

Learned counsel for the petitioners submits that in the intervening period, the case was adjourned due to COVID-19 situation and still evidence of the respondent-plaintiff is yet to be recorded.

After hearing learned counsel for the petitioners, in order to avoid any further delay in disposal of the case, at this stage, effecting service on the respondent is dispensed with and in the interest of justice, this petition is allowed and the impugned orders are set aside.

The trial Court is directed to grant one effective opportunity to the petitioners-defendants to file the written statement within a period of 15 days from today subject to payment of costs of Rs.10,000/- to the respondent-plaintiff.

The written statement will be filed along with costs on or before 22.08.2022, failing which this revision petition will be deemed to be dismissed without any further orders.

Liberty is granted to the respondent-plaintiff to revive this petition, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

01.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No