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

**CR-3085-2022 (O&M)
Date of decision: 04.08.2022**

Anil Kumar

... Petitioner

Vs.

Ramesh Kumar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Arora, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 29.11.2021 passed by the Civil Judge (Jr. Divn.), Gurdaspur, in Civil Suit No.1683 of 2019 titled as 'Ramesh Kumar and another Vs. Anil Kumar and others', vide which defence of petitioner-defendant No.1 was struck off on account of non-filing of written statement.

Learned counsel for the petitioner submits that the petitioner put in appearance before the trial Court on 21.01.2020 and thereafter, due to COVID-19 situation, case was adjourned number of times. It is further submitted that while passing the impugned order on 29.11.2021, defence of petitioner-defendant No.1 was struck off, as he could not file the written statement within a period of 90 days.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, this petition is allowed and the impugned order dated 29.11.2021 is set aside. Petitioner-defendant No.1 is granted 30 days' time to file the written statement, however, subject to payment of costs of Rs.5,000/- to respondents No.1 & 2-plaintiffs.

The petitioner will file written statement along with costs on or before 05.09.2022, failing which this revision petition will be deemed to be dismissed without any further orders.

The amount of costs will be paid to respondents No.1 & 2-plaintiffs on the same day.

Liberty is granted to respondents No.1 & 2-plaintiffs to revive this petition, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

04.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No