

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

CR-2203-2021 (O&M)

Date of decision: 14.11.2022

Lal Singh

...Petitioner

Versus

Rupesh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Neeraj Yadav, Advocate for the petitioner.

Mr. B.K. Bagri, Advocate for the respondent.

H.S. MADAAN, J. (Oral)

This revision petition is directed against order dt. 14.12.2018 passed by Civil Judge (Jr. Divn.) Rewari in CS-2095-2018 titled as 'Rupesh Vs. Lal Singh', vide which defence of defendant Lal Singh was struck off for the reason of not filing the written statement within stipulated time.

Learned counsel for the petitioner/defendant has contended that such lapse was not intentional or willful but for the reason that petitioner was unwell, undergoing treatment and he could not communicate properly with his counsel, resultantly, the written statement could not be filed within time.

Ld. counsel for the respondent is opposing the revision petition vehemently, stating that the impugned order is legal and valid and should not be interfered with.

I have heard learned counsel for the parties besides going through the record.

Undisputedly, the defendant has not filed the written statement despite availing of sufficient opportunities including the last opportunity given to him but as submitted by learned counsel for the petitioner, it was not done deliberately but on account of the fact that the defendant was unwell, as such, he could not contact his counsel to get the written statement drafted and filed within time. Rules of procedure are meant for advancing ends of justice. In my considered view, doors of contest should not be shut upon the revisionist and he deserves to be granted an opportunity to present his defence before the trial Court by way of filing the written statement. The respondent/plaintiff can certainly be compensated in terms of the costs. Therefore, the revision petition is allowed; the impugned order dt. 14.12.2018 is set aside, and the revisionist/defendant is afforded an opportunity to file written statement within three weeks of passing of the order, subject to payment of Rs.10,000/- as costs. The costs be paid to the plaintiff in the trial Court and it shall be a condition precedent for allowing the revisionist/defendant to file the written statement.

A copy of this order be sent to the trial Court through District & Sessions Judge, Rewari for information and necessary compliance.

14.11.2022
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No