

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

**119**

**CR-3590-2022**

**Date of decision: 02.09.2022**

Surajmal

.....Petitioner

Versus

Laxmi and others

.....Respondent

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

Present : Mr. Surinder Gaur, 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 24.05.2022 passed by learned Additional Civil Judge (Sr. Divn.), Meham vide which the defence of the petitioner/defendant along with respondents No.4 and 5/defendants No.2 and 3 was struck off.

Learned counsel for the petitioner *inter alia* contends that the petitioner appeared before the Trial Court through his counsel on 17.02.2020 and thereafter the case was adjourned to 24.04.2020 for filing of written statement. Thereafter, the case was adjourned on multiple occasions due to the outbreak of the pandemic covid-19. Learned counsel submits that a lenient and compassionate view be taken and one last effective opportunity may be granted to the petitioner to file his written statement.

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

This Court is 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 24.05.2022, is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioner is granted one last effective opportunity to file 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 Rs.2,500/- to be paid to respondents No.1 to 3/plaintiffs which shall be a condition precedent.

02.09.2022

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No