

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

CR No.3183 of 2021 (O&M)
Date of decision: 25th January, 2022

Santara & others

... Petitioners

Versus

Parvati & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Himanshu Rao, Advocate for the petitioners.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

CM No.14591-CII of 2021

Heard.

In the light of averments made in the application, the same is allowed subject to all just exceptions and the document (Annexure P8) is taken on record.

CR No.3183 of 2021

The instant revision by petitioners Santara, Santosh Bhai and Inder Singh is against an order dated 17.03.2017 (Annexure P1) whereby in a suit for compensation and damages for malicious prosecution filed by the present respondents (then plaintiffs) Parvati and Om Parkash, the Court had debared the revisionists from filing written statement.

Heard Mr. Himanshu Rao, Advocate for the petitioners and perused the records of the case.

Admittedly the suit was filed by the present petitioners on 29.04.2016 and purely on the grounds that mandatory period of 90 days has expired from the service of the defendants, the impugned order was passed.

Be that as it may, in the dispensation of justice the Courts have to show magnanimity and shall not be tied down by hyper-technicalities and constricted approach. No prejudice is likely to be caused to the opposite side if they are allowed another opportunity to present their written statement and even the impugned order does not elucidate how there has been intentional lapse by the present petitioners in not filing the written statement together with the fact that in such a Covid like situation there could be reasons beyond the control of the parties in not doing so. It would subserve the ends of justice if one opportunity is afforded to the petitioners to file their written statement.

In the light of the same, the present petition stands disposed off with direction to the parties to approach their counsel to put in appearance before the Court below on 28.02.2022 and the Court shall grant single opportunity to the parties to file their written statements.

(FATEH DEEP SINGH)
JUDGE

January 25, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No