

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 117

Civil Revision No.4534 of 2022
Date of Decision: October 18, 2022

Tarlok Singh

..... PETITIONER(S)

VERSUS

Kulwant Pal Singh

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Vipin Mahajan, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This is a revision petition under Article 227 of the Constitution of India for setting aside order dated 25.08.2022 (Annexure P-3), by which the petitioner-defendant's defence has been struck off by the trial Court on his failure to file the written statement.

Learned counsel for the petitioner contends that after filing of the suit, defendant appeared in the Court on 07.09.2021 for the first time and sought time to file the written statement. Subsequently, on account of COVID-19 pandemic and the resultant loss of communication between the defendant and his counsel, written statement could not be filed.

By referring to judgment of the Supreme Court passed in *Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition © No.3 of 2020*, decided on 10.01.2022, learned counsel further states that limitation period from

15.03.2020 to 28.02.2022 has been ordered to be condoned on account of the pandemic by the Supreme Court.

In view of the aforesaid facts and in the interests of justice, the petition is allowed and the impugned order dated 25.08.2022 is set aside to the extent it strikes-off defence of the petitioner-defendant. He is afforded one last opportunity to file written statement on the date fixed before the trial Court, subject to payment of ₹ 5,000/- as costs to the respondent. It is made clear that no further opportunity shall be granted for the purpose.

Since the main petition stands decided, pending applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

October 18, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No