

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

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Civil Revision No.4922 of 2022

Date of Decision: 11th November, 2022

PNB Housing Finance Ltd. & Another

...Revisionists-Petitioners

Versus

Jatinder Kumar Sharma

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Sumit Puri, Advocate,
for the revisionists-petitioners.

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MEENAKSHI I. MEHTA, J. (ORAL)

By way of the instant revision petition, the petitioners (here-in-after to be referred as 'the defendants') seek the indulgence of this Court for setting aside the order dated 28.07.2022 (Annexure P-2) as passed by learned Civil Judge (Junior Division) Chandigarh, in Civil Suit No.2688 of 2018, whereby their right to defend in the suit has been struck-off on account of non-filing of the written statement by them, while observing that they were afforded last opportunity for the said purpose.

2. I have heard learned counsel for the petitioners-defendants, at the preliminary stage, in the present revision petition and have also perused the file carefully.

3. Though the defendants have not filed the written statement well in time but keeping in view the facts that in case, they are deprived from filing the same to defend in the said civil suit, they would suffer an

irreparable loss that may further result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if the defendants are allowed to file their written statement but subject to payment of cost.

4. Resultantly, without issuing the notice to the respondent-plaintiff so as to avoid any further delay in the trial of the said civil suit and also to avert the expenses that the respondent may have to incur to defend in the instant petition, the impugned order dated 28.07.2022 is hereby set-aside and the revision petition in hand is hereby disposed of with the direction to the defendants to file their written statement in the trial Court on 14.12.2022, i.e the next date as stated to have been fixed in the said civil suit, but however, the payment of the cost of Rs.15,000/- shall be a condition precedent for doing so and in the eventuality of the default on their part in filing the written statement or the payment of the cost on the afore-mentioned date, they shall not be entitled to any further opportunity for the said purpose.

5. However, it is further clarified that in case the respondent-plaintiff feels aggrieved by this order, he shall be at liberty to move an appropriate application to contest this petition.

11.11.2022

Seema

Whether speaking/reasoned:

Whether Reportable:

(MEENAKSHI I. MEHTA)

JUDGE

Yes

No