

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

Sr. No.111

CR-3517-2021

Date of Decision: 27.01.2022

PALE RAM

...Petitioner

VERSUS

JAI PAL AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Nonish Kumar, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present revision petition has been filed to assail the order dated 15.11.2021 passed by learned Additional Civil Judge (Senior Division), whereby the defence of the petitioner, who is impleaded as defendant No.3, before the Lower Court has been struck off, on account of written statement having not been filed.

Perusal of the record reveals that the suit was filed on 28.09.2020 and thereafter, four opportunities were granted to defendant No.3 to submit his written statement. The details of the opportunities, so given, to the petitioner to file written statement have been fully detailed in the impugned order. It was only on 15.11.2021, when the written statement was not filed, the defence of the present petitioner, who was impleaded as defendant No.3, was struck off.

However, now it is submitted by learned counsel for the petitioner that due to prevailing pandemic situation, the petitioner could not contact his counsel on account of which, written statement, as such, could

not be filed. However, he submits that one opportunity be given to the petitioner to file written statement. Also, he submits that after striking off the defence, no evidence, as such, has been led by the plaintiff before the lower Court.

On account of prevailing pandemic situation, the Courts are working under constrained circumstances and as a result of this pandemic, even the litigants have to face several difficulties, in pursuing the litigation. Considering such constrained circumstances, under which all of us are working, without prejudice to the rights of the parties to be adjudicated on merits, the present revision petition is allowed and the petitioner is hereby given one opportunity to file written statement before the concerned court on the next date of hearing, more particularly, when the case has not made any progress after the striking off the defence. However, the said opportunity is subject to the payment of Rs.10,000/- as costs, to be deposited in the Legal Services Authority, Assandh, within a period of three weeks from today onwards.

(ARCHANA PURI)
JUDGE

27.01.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No