

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

CR No.5292 of 2022

Date of Decision: 17.11.2022

Gurjatinder Pal Singh alias Gurjatinder Singh

.....Revisionist-Petitioner.

Versus

Satpal and another

.....Respondents.

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

Present:- Mr. Ashok Kumar Khunger, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner (here-in-after to be referred as 'defendant No.1') herein has assailed the order dated 16.09.2022 (Annexure P-7) passed by learned Additional Civil Judge (Senior Division), Sri Muktsar Sahib (for short, 'the trial Court'), in Civil Suit No.108 of 2022, whereby his right to defend in the suit, has been struck-off on account of non-filing of the written statement by him, while observing that he was afforded last opportunity for the said purpose.

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

3. Though defendant No.1 has not filed the written statement well in time but keeping in view the facts that in case, he is deprived from

filing the same to defend in the said civil suit, he 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 defendant No.1 is allowed to file his written statement but subject to payment of cost.

4. Resultantly, without issuing the notice to respondent No.1-plaintiff so as to avoid any further delay in the trial of the said civil suit and also to avert the expenses that respondent No.1-plaintiff may have to incur to defend in the present petition, the impugned order dated 16.09.2022 is hereby set-aside and the revision petition in hand is hereby disposed of with a direction to defendant No.1 to file his written statement in the trial Court on 19.11.2022, 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.5,000/- shall be a condition precedent for doing so and in the eventuality of the default on his part in filing the written statement or the payment of the cost on the afore-said date, he shall not be entitled to any further opportunity for the said purpose.

5. However, it is further clarified that in case respondent No.1-plaintiff feels aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant petition.

November 17, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No