

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

109

**CR No.5551 of 2022
Date of Decision: 30.11.2022**

Sandeep Bedi

...Revisionist-Petitioner

Versus

Abdul Malik Tayagi and others

...Respondents

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

Present :- Mr. Inderjeet Singh, Advocate for
Mr. Raman Chawla, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner-defendant No.2 (for short 'defendant No.2') has assailed the order dated 01.11.2022 (Annexure P-1) passed by learned Civil Judge (Junior Division), Ludhiana (for short, 'the trial Court'), in Civil Suit No.3800 of 2021, 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 several opportunities, including the last opportunity, for the said purpose.

2. I have heard learned counsel for the petitioner-defendant No.2, at the preliminary stage, in the present revision petition and have also perused the file carefully.

3. Though, defendant No.2 has not filed the written statement well in time but however, 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.2 is allowed to file his written statement but subject to payment of cost.

4. Resultantly, without issuing the notice to the respondents-plaintiffs so as to avoid any further delay in the trial of the said Civil Suit and also to avert the expenses that they (respondents-plaintiffs) may have to incur to defend in the present petition, the impugned order dated 01.11.2022 is hereby set-aside and the revision petition in hand is hereby disposed of with a direction to defendant No.2 to file his written statement in the trial Court on 06.01.2023, 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 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 the respondents-plaintiffs feel aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant petition.

30.11.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*