

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

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**CR No.5524 of 2022
Date of Decision: 29.11.2022**

Sanjay Sharma and others

...Revisionists-Petitioners

Versus

Kiran Sharma

...Respondent

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

Present :- Mr. Aniket Sindhar, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the present revision-petition, the petitioners-defendants (for short 'the defendants') have assailed the order dated 16.05.2022 passed by learned Additional Civil Judge (Senior Division), Panipat (for short, 'the trial Court'), whereby their right to defend in the civil suit bearing CIS No.CS/192/2022, has been struck-off on account of non-filing of the written statement by them, while observing that they were afforded four opportunities for the said purpose.

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

3. Though, the defendants have not filed the written statement well in time but however, keeping in view the facts that in case, they are deprived from filing the same so as 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 the 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 she (plaintiff) may have to incur to defend in the present petition, the impugned order dated 16.05.2022 is hereby set-aside and the revision petition in hand is hereby disposed of with a direction to the defendants to file their written statement in the trial Court on 01.05.2023, 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.5,000/- 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-said 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, she shall be at liberty to move an appropriate application to contest the instant petition.

29.11.2022
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(MEENAKSHI I. MEHTA)
JUDGE

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