

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

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**CR No. 5796 of 2022 (O & M)
Date of Decision : 8.12.2022**

Sarabjit Kaur

..... Petitioner

Versus

Malkiat Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : Mr. Nitesh Singh, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J.

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 22.11.2019 (Annexure P-1) whereby the trial Court struck off defence of the petitioner/defendant no.1 on the ground of non-filing of written statement within the stipulated period.

2. Learned counsel for the petitioner/defendant no.1 states that defendant no.1 is an illiterate lady. She had submitted all the relevant documents to her counsel before the trial Court, who did not file the written statement on time leading to passing of the impugned order. He further states that pleadings before the trial Court have not been completed as yet. By referring to the order dated 14.9.2022 (Annexure P-6) he states that defendant no.2A had filed written statement only on 14.9.2022.

3. In case the petitioner/defendant no.1 is not allowed to file the written statement, grave prejudice will be caused to her. Besides, filing of the written statement, at this stage, will not cause any prejudice to the plaintiffs, keeping in view the stage of trial. She, therefore, needs to be allowed to contest

the suit by filing the written statement, as that would do complete justice to the parties to the suit.

4. In view thereof, and in the interests of justice, the impugned order dated 22.11.2019 is set aside to the extent defence of the petitioner/defendant no.1 has been struck off. She is allowed to file written statement within two weeks from today subject to payment of Rs.30,000/-as costs to be paid to the plaintiffs equally, i.e. Rs. 5000/- to each one of them, by way of demand draft(s).

5. Disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

8.12.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No