

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-336 of 2020 (O&M)
Date of decision: 28.10.2022

Saroj and others

..Petitioners

Versus

Ranvir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Kumar Gupta, Advocate,
for the petitioners.
Mr. Vaibhav Prashar, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

From the facts noticed in this revision petition, it is evident that defendant no.2 to 6 (the petitioners herein) are playing the game of cat and mouse with the court. Initially, the defendant no.2 to 6 were proceeded against ex-parte, which was set aside on 08.07.2019. Thereafter, the plaintiffs filed a revision petition in the High Court. After hearing the learned counsel representing the parties, the High Court afforded an opportunity to defendant no. 2 to 6 to join the proceedings in the suit subject to payment of costs of Rs.1,000/-. Though, the cost was paid but still the written statement was not filed on behalf of defendant no.2 to 6 and an adjournment was prayed for, which was granted.

On 09.10.2019, once again, the written statement was not filed. The case was adjourned to 15.01.2020. An application was filed by the plaintiffs to strike off the defence of defendant no.2 to 6.

The learned counsel representing defendant no.2 to 6 sought time to file reply to the application for striking off the defence. On

01.11.2019, the case was taken up in the pre lunch session. The learned counsel representing defendant no.2 to 6 requested for taking up the case in the post lunch session to enable him to file reply. The case was directed to be taken up at 1:40 p.m. and the case was so taken up at 1:40 p.m. however, the learned counsel representing defendant no.2 to 6 still did not appear. Thereafter, the case was taken up at 2:00 p.m. and the defence of the defendant no.2 to 6 was struck off. At 2:02 p.m., defendant no.2 to 6 presented the written statement which the court has refused to take on record.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

A suit for recovery of possession of the house property is pending in the court for the last 4 years. From the conduct of the petitioners, it is evident that they are bent upon to abuse the process of law. However, the court is required to make sincere endeavours for decision of the case on merits. The trial court has erred in refusing to take on record the written statement which was presented at 2:02 p.m. But the petitioners are required to be penalized for their conduct.

Keeping in view the aforesaid facts, the written statement filed by defendants no.2 to 6 is taken on record, subject to payment of cost of Rs.25,000/- deposit of which shall be a condition precedent for taking on record the written statement. The cost shall be paid to the plaintiffs by way of demand draft within a period of 15 days. If the cost is not paid in the given time, the trial court shall proceed with the case forthwith without taking the written statement on record and the impugned order of the trial court shall stand revived.

With these observations, the revision petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

October 28, 2022

(ANIL KSHETARPAL)
JUDGE

nt

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*