

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

CR-81-2023 (O&M)
Date of decision : 16.02.2023

Sanjeev Behal

... Petitioner(s)

Versus

Radha Dutta & Anr.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Sukhandeep Singh, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 19.04.2022 (Annexure P-4) vide which the defence of the petitioner has been struck off as well as order dated 24.11.2022 (Annexure P-8) whereby the application filed by the petitioner for recalling the order dated 19.04.2022 has been dismissed.

Learned counsel for the petitioner would contend that the written statement was ready on 19.04.2022 when his defence was struck off and that if given one opportunity, the written statement would be filed on or before the next date of hearing before the Court below. It is further the contention that the petitioner is willing to compensate the landlord-respondent No.1 by way of costs.

Per contra, learned counsel for the landlord-respondent No.1

has vehemently contended that numerous opportunities were given to file the written statement which was not filed. Even the costs were not deposited. It is further the contention that even on 19.04.2022 the presence of the counsel was marked and had the written statement been ready the same would have been filed.

Heard.

In the present case, no doubt the petitioner has been remiss in filing the written statement, however, since the petitioner is running a *kiryana* shop in the demised premises and has been in possession of the said premises since 2013, this Court deems it appropriate to grant one last opportunity to the petitioner to file his written statement subject to the payment of Rs.30,000/- as costs to be paid to the landlord-respondent No.1. The written statement shall be filed on or before the next date of hearing before the Court below.

It is made clear that in case the written statement is not filed and the costs are not paid, the present revision petition shall be deemed to have been dismissed.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

16.02.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO