

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(116)

CR-346-2023

Date of Decision : January 19, 2023

Rasandeep Kaur

.. Petitioner

Versus

Sunder Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though it cannot be said that the trial Court was not competent to pass the order dated 20.10.2022 (Annexure P-2) in view of the facts and circumstances of the present case but as the lis between the parties needs to be decided on the basis of merits, one more chance be given to the petitioner-defendant to file written statement even if the same is to be extended by imposing cost.

Keeping in view the facts and circumstances of the present case as, after the passing of the impugned order dated 20.10.2022 striking of the defence of the petitioner, the next date fixed for arguments is 08.02.2023, the present civil revision petition is disposed of by modifying the impugned order dated 20.10.2022 (Annexure P-2) to the extent that in case the written statement is filed by the petitioner-defendant by the adjourned date i.e.

08.02.2023, the same be taken on record as no prejudice will be suffered by

the plaintiff except a delay, which can be compensated with imposition of cost upon the petitioner to be paid to the plaintiff.

It is made clear that no further opportunity for the same will be granted in case one opportunity granted by this Court is not availed. For delaying the proceedings, the petitioner-defendant will pay a sum of Rs.10,000/- as cost to the respondent-plaintiff along with the cost already imposed by the trial Court on an earlier proceedings, as find mentioned in the impugned order.

January 19, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No