

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CR-804-2023

Date of Decision : February 06, 2023

Paramjit Kaur and another

.. Petitioners

Versus

Darbara Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kulwinder Singh, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners argues that vide impugned order dated 09.11.2022 (Annexure P-6), the defence of the petitioners-defendants has been struck off on the ground that three opportunities had already been granted to file the written statement, which were not availed. Learned counsel for the petitioners submits that even as of now, prosecution witnesses have not been examined so far.

The present civil revision petition is being disposed of at this stage without issuing notice of motion.

Though, three opportunities have already been granted to the petitioners-defendants to file the written statement which were not availed but the lis between the parties needs to be adjudicated on the basis of the merits as far as possible.

Keeping in view the fact that no prosecution witness has been examined so far, which is clear from the zimni order dated 19.01.2023, a copy of which has been appended as Annexure P-8, in the interest of justice, one more opportunity is granted to the petitioners-defendants to file the written statement subject to the payment of Rs.10,000/- as cost which will be deposited to the Institute for the Blind, Sector 26, Near Homeopathic Medical College and Hospital, Chandigarh along with the filing of the written statement.

Order dated 09.11.2022 (Annexure P-6) is quashed with the clear indication that on the next date of hearing i.e. 24.02.2023, the petitioners will file the written statement and in case, no written statement is filed by the said date, no further opportunity will be given.

The present civil revision petition is disposed of in above terms.

February 06, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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