

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

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CR-805-2023 (O&M)

Date of decision : 06.02.2023

Rupali Seth and another

... Petitioners

Versus

Rohit Dhawan

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vaibhav Narang, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

CM-2309-CII of 2023

Allowed as prayed for.

Main case

The petitioners have challenged the order dated 19.12.2022 (Annexure P-4) whereby their defence has been struck off.

Learned counsel for the petitioners submits that the defence of the petitioners/defendants has been erroneously struck off on the ground of non-filing of the written statement beyond 90 days. He, however, submits that as the respondent/plaintiff is the brother of the petitioners/defendants and efforts were being made by the respectables to resolve the dispute through mediation, they could not file their written statement. He further submits that an attempt can be made to resolve the dispute between the parties through mediation.

Heard.

In view of the limited prayer of the petitioners for affording them one opportunity to file the written statement, I intend to dispose of this petition

without issuance of notice to the respondent. The petitioners are the sisters of the respondent/plaintiff. It would be in the interest of justice if the petitioners are permitted to file the written statement and their suit be adjudicated on merits.

Consequently, the petition is allowed and the impugned order dated 19.12.2022 (Annexure P-4) is set aside. The petitioners would be afforded one opportunity to file the written statement subject to payment of Rs.10,000/-, to be paid to the respondent/plaintiff as cost. However, it is made clear that the petitioners will not make any effort to delay the proceedings. The trial Court is directed to explore the possibility of settling the dispute through mediation as it involves siblings, before finally adjudicating the matter.

If the respondent is aggrieved by the order of this Court, he would be at liberty to approach this Court by filing an appropriate application in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

February 06, 2023

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No