

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

CR-896-2023 (O&M)

Date of decision: 01.05.2023

Kanta and another

...Petitioners

Versus

Santra Devi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.S. Sharma, Advocate for the petitioners.

Mr. Suresh Ahlawat, Advocate for respondent No.1.

H.S. MADAAN, J. (Oral)

1. In this revision petition, order dated 21.12.2022 is being impugned vide which defence of defendants No.2 and 5 had been struck off for not filing the written statement despite availing of several opportunities to do so, spending over a period of about two years.

2. After going through the impugned order and hearing learned counsel for the parties, I find that such defendants have been quite careless and negligent in not filing the written statement despite availing of several opportunities but interest of justice demands that one more opportunity should be granted to them to contest the suit because in case the doors of contest are shut upon them then they would be seriously prejudiced in the matter.

3. Accordingly, the revision petition is allowed; the impugned order is set aside and one more opportunity is granted to the revision

petitioners/defendants No.2 and 5 to file written statement by the next date of hearing, fixed as 22.05.2023 subject to payment of Rs.10,000/- as costs. The revision petitioners/defendants No.2 and 5 shall get a demand draft in that amount prepared in the name of plaintiff and would hand over the same to the plaintiff/her counsel and only then they would be allowed to file the written statement. In case of default, this revision petition would be taken to be dismissed.

01.05.2023
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(H.S. MADAAN)
JUDGE

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