

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

116

CR-1832-2023

Date of Decision :23.03.2023

Sahil Verma

...Petitioner

Versus

Dharambir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Gupta, Advocate and
Ms. Asha Singh, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

Present revision petition has been filed for setting aside order dated 03.01.2023 (Annexure P/6) passed by the trial Court, by which the defence of the petitioner/defendant has been stuck off.

Learned counsel appearing on behalf of the petitioner argues that though, number of opportunities were granted to the petitioner/defendant to file the written statement but on the date when the impugned order was passed, written statement could not be filed as the petitioner/defendant had to go out of station. Learned counsel for the petitioner submits that only one more opportunity may kindly be granted to the petitioner/defendant to file the written statement so that the issue between the parties could be adjudicated on merits even if costs are to be imposed.

I have heard learned counsel for the petitioner and have gone

through the record with his able assistance.

Though, from the record, it is clear that though sufficient opportunities were granted to the petitioner/defendant to file the written statement which were not availed by him but as the issue between the parties needs to be decided on merits, in the interest of justice, as being prayed, one more opportunity needs to be granted to the petitioner/defendant to file the written statement.

Learned counsel for the petitioner submits that the next date of hearing before the trial Court is tomorrow i.e. 24.03.2023 and on the said date, the written statement will be filed.

Keeping in view the said undertaking of the learned counsel for the petitioner/defendant, impugned order dated 03.01.2023 (Annexure P/6) is set aside subject to payment of cost of Rs.5000/- to be paid to the plaintiffs-respondents for the prejudice suffered by them qua the delay which has occurred, with the clear indication that in case the written statement is filed by 24.03.2023, the same be taken on record and thereafter, the suit be proceeded with in accordance with law and in case no written statement is filed, as undertaken, by tomorrow i.e. 24.03.2023, the present petition will be treated to have dismissed and order dated 03.01.2023 (Annexure P/6) passed by the trial Court will remain in operation.

It may be noticed that the written statement will only be accepted alongwith the cost as imposed under this order.

Present revision petition is disposed of in above terms.

March 23, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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