

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

(114)

CR-2755-2023 (O&M)

Date of Decision : May 04, 2023

Jai Singh and others

.. Petitioners

Versus

Karanveer and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)CM-8148-CII-2023

As prayed for, the application is allowed.

CR-2755-2023

Present civil revision petition has been filed for setting aside the order dated 28.09.2022 (Annexure P-2) by which, the defence of the petitioners-defendants has been struck off on the ground that despite various opportunities, the written statement has not been filed.

Learned counsel for the petitioners argues that the written statement was already ready and signed but could not be filed by the Advocate for some reasons but the same is causing prejudice to the petitioners/defendants, hence, one opportunity be granted to the petitioners to file the written statement even if the same is to be granted by imposing

Keeping in view the settled principle of law, the lis between the parties should be decided on merits as far as possible though, due opportunities have already been granted but once, it has come on record that the written statement was already ready on the date when the impugned order was passed but could not be filed by the counsel, the petitioners-defendants should not be punished for the same.

Keeping in view the facts and circumstances of the present case, the order dated 28.09.2022 (Annexure P-2) is set aside. One more opportunity is granted to the petitioners to file the written statement. In case the written statement is filed by the next date of hearing before the trial Court, the trial Court is directed to accept the same and proceed with the suit thereafter. However, for the delay caused, the petitioners are directed to pay a sum of Rs.10,000/- as cost to the respondents-plaintiffs so as to compensate them .

It may be noticed that the present order is being passed on the assumption keeping in view the argument of the learned counsel for the petitioners that no proceedings have been undertaken after the passing of the impugned order as no evidence has been recorded so far.

As the present order is being passed without hearing the respondents, in case the respondents feel prejudice in any manner, the respondents will be at liberty to revive the present petition by filing appropriate application.

May 04, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No