

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

114

2023:PHHC:073389  
**CR-2798-2023 (O&M)**  
**Date of decision: 19.05.2023**

**Sonu Goyal**

**..Petitioner (s)**

**Versus**

**Balwinder Singh**

**..Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Stephan Masih, Advocate for the petitioner.

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**NIDHI GUPTA, J (Oral)**

Prayer in this Revision Petition is for setting aside order dated 12.01.2023 passed by the learned Civil Judge, Junior Division, Dera Bassi, District SAS Nagar, Mohali, vide which the defence of the petitioner/defendant was struck off.

Learned counsel for the petitioner submits that defence of the petitioner was struck off after grant of only one opportunity to him to file reply. It is submitted that due to strike of Advocates in the Court below, the petitioner could not file written statement. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to file his written statement, as grave injustice will be caused to him if he is not permitted to do so.

Notice of motion.

Mr. Sandeep Jain, Advocate, puts in appearance on behalf of respondent and files his memo of appearance, which is taken on record.

Learned counsel for the respondent has opposed the prayer by submitting that sufficient opportunity has already been granted to the petitioner.

After hearing learned counsel for the parties and keeping in view the above facts as canvassed by ld. Counsel for the petitioner, it is borne out from the record that defence of the petitioner was struck off after granting only one opportunity to the petitioner to file reply. Accordingly, this petition is allowed and impugned order dated 12.01.2023 is set aside. The learned Court below is directed to grant one effective opportunity to the petitioner to file his written statement,

however subject to payment of Rs.2000/- as costs to the plaintiff-respondent.

Disposed of as above. Pending application, if any, also stands disposed of.

**( NIDHI GUPTA )  
JUDGE**

**19.05.2023**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No