

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

Sr. No.109

**CR-2299-2022 (O&M)
Date of Decision: 14.02.2023**

GURMEET SINGH

....Petitioners

Versus

PRITAM SINGH

..... Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. R.S. Sidhu, Advocate,
for the petitioner.

ARCHANA PURI, J

CM-11973-CII-2022

Present application has been filed for placing on record the zimini orders passed by the Court below, before passing of the impugned order.

Keeping in view the averments made in the application, same is allowed and the requisite zimini orders are taken on record.

Main case

Challenge in the present revision petition is to the order dated 16.04.2022 (Annexure P-1) passed by the Court below, whereby the defence of the petitioner (who was defendant before learned Lower Court), had been struck off, on account of non-filing of the written statement, as well as reply

to the application under Order 39 Rule 1 and 2 CPC, despite availing 10 opportunities.

It is submitted by learned counsel that due to onset of the covid, the petitioner was unable to pursue the case in a proper manner and delay, as such, has occurred in filing of the written statement. He makes a prayer that given one opportunity and the petitioner shall file the written statement before learned Lower Court.

Perusal of the zimini orders, which have been placed on record, reveals about the petitioner to have made appearance through counsel, for the first time before learned Lower Court on 21.01.2021. Thereafter, the case was adjourned time and again, for filing of the written statement, but however, in the month of March, covid situation became alarming, as a result whereof, the Court had curtailed the regular working to a considerable extent. The same is also so visible from the order dated 30.04.2021 passed by the Court below and thereafter, it remained pending time and again, for this purpose. Though last opportunity had been given, but however, the Court cannot be oblivious of the fact of the constrained circumstances, under which each one of us had been working.

Considering the aforesaid circumstances and also as disclosed by learned counsel for the petitioner about the case having not made any progress, after passing of the impugned order, without prejudice to the rights of the parties to be adjudicated on merits, the present revision petition is accepted and the impugned order is set aside. Only one opportunity is granted to the petitioner to file written statement, as well as reply to the application under Order 39 Rule 1 and 2 CPC, before learned Lower Court, on the next date of hearing, subject to deposit of costs of Rs.15,000/- before

the concerned District Legal Services Authority, within a period of two weeks from today onwards.

Since notice has not been issued to the respondent, it would be open for him to approach this Court, if he has any grievance.

In view of the above-said terms, the instant revision petition stands allowed.

14.02.2023

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No