

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CR-4549-2023

Date of decision: 10.08.2023

Monika Dalal

....Petitioner

Versus

Subhash Chander Kapur and Anr.

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vineet Kumar Jakhar, Advocate and
Mr. Akhil Saini, Advocate for the petitioner.

AMARJOT BHATTI, J.

1. The petitioner-Monika Dalal has filed the present civil revision against impugned order dated 26.05.2023 passed by learned Civil Judge (Junior Division), Gurugram in Civil Suit No.3237 of 2022 titled as ***“Subhash Chander Kapur & Anr. Vs. Monika Dalal”*** in which the defence of the petitioner/defendant has been struck off.

2. The learned counsel for the petitioner argued that the plaintiffs have filed suit for possession and mesne profits. In this case initially she was proceeded against ex parte as per order dated 25.08.2022 (Annexure P-4). As per order dated 10.03.2023 (Annexure P-8), the ex parte order was set aside by imposing cost and thereafter, the case was fixed for filing of written statement. She was directed to file written statement on 25.04.2023 but on that day the Presiding Officer was on medical leave. The case was taken up on 26.05.2023 and on account of non-filing of written statement her defence was struck off by passing impugned order dated 26.05.2023 (Annexure P-1). It is prayed that the

present petitioner may kindly be granted one opportunity to file her written statement before the learned trial Court.

3. I have considered the arguments and have gone through the record carefully. It is a suit for possession along with mesne profits, therefore, material rights of the present petitioner is involved. The case is at initial stage. She is ready to file her written statement on granting one opportunity. It is in the interest of justice that the present petitioner be given opportunity to defend her case. No purpose would be served by giving notice to the respondents as it will lead to further delay in the trial as well as unnecessary litigation expenditure. However, the respondents/plaintiffs can be compensated by imposing cost. Therefore, taking a lenient view one effective opportunity is granted to the present petitioner to file written statement on the next date fixed before the learned trial Court subject to payment of cost of Rs.10,000/- to be paid to the respondents/plaintiffs.

Accordingly, the present civil revision stands disposed of.

10.08.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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