

Sr. No.123

Date of Decision : August 22, 2023

Sarwan Singh Respondent

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3. Learned counsel for the petitioners has submitted that on 13.09.2022, the petitioners appeared through their counsel, who filed ‘Memo of Appearance’. On the next date, their counsel filed ‘Power of Attorney’

and the matter was referred to Mediation Centre and report of the Mediator was awaited for 10.11.2022. However, on the said date, report from Mediator was not received. The matter was adjourned for filing written statement. It has been further contended that the question of filing written statement could arise only after receipt of report of Mediator. Counsel for the petitioners was also conveying them that the written statement would be filed only after the report from Mediation Centre. So, the petitioners could not file written statement. In these circumstances, it is prayed that one opportunity be granted to the petitioners to file written statement.

4. I have heard the submissions made by learned counsel for the petitioners and perused the case file.

5. The case is at the initial stage. In order to avoid extra burden on the respondent and also to avoid further delay in the disposal of the suit, notice to the plaintiff-respondent is dispensed with. Moreover, procedure is hand-maid to the administration of justice and is meant for advancement of justice. Since the matter was referred to the Mediation Centre, therefore, without awaiting the report of Mediator, the case could not be fixed for filing of written statement. No prejudice would be caused to the respondent, who can be compensated with costs, if one opportunity is granted to the petitioners to file written statement.

6. Accordingly, without discussing the merits of the case, the present revision petition is allowed and the impugned order dated 05.05.2023 (Annexure P-3), passed by the learned Trial Court, whereby defence of the petitioners has been struck off due to non-filing of the written

statement, is set aside.

7. The learned Trial Court shall give one opportunity to the petitioners to file written statement on 05.09.2023 i.e. the date fixed before the Trial Court, subject to payment of Rs.5,000/- as costs, to be paid to the plaintiff-respondent. In case of default by the petitioners, this order shall automatically stand vacated.

8. It is further clarified that if the respondent is not satisfied by this order, he can move an application and challenge the same within a period of 30 days.

9. The present revision petition stands disposed of in the above terms.

10. Pending applications, if any, shall stand disposed of along with this judgment.

August 22, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.