

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

CR-4892-2022 (O&M)

Date of decision: 05.01.2023

Jagdev Singh and others

...Petitioners

Versus

Jaswinder Kaur

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. G.S. Nahel, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

In a civil suit filed by plaintiff Jaswinder Kaur against defendants Jagdev Singh etc., pending in the Court of Civil Judge (Jr. Divn.) Moonak, on getting notice, the defendants had put in appearance on 05.11.2019 and thereafter, they sought repeated adjournments for filing written statements but failed to do so. As such vide impugned order dt. 29.09.2022, the defence of the defendants was struck off, leaving them aggrieved and they have approached this Court by way of filing the present revision petition. Keeping in view the facts and circumstances of the case, issuance of notice to the plaintiff is not found to be necessary.

I have heard learned counsel for the revisionists besides going through the record.

No doubt, defendants have been grossly negligent in not filing the written statement despite availing of several opportunities in

the process the proceedings in the case have been stretched unnecessarily, however, keeping in view the interest of justice and prayer made by counsel for the petitioners that one opportunity be granted to defendants to file the written statement, the revision petition is accepted; the impugned order dt. 29.09.2022 is set aside with the observation that defendants be permitted to file the written statement and contest the case subject to their paying a sum of Rs.10,000/- to the plaintiff in the form of bank draft within 15 days from today. The submission of bank draft in the sum of Rs.10,000/- by the revision petitioners shall be condition precedent for allowing the defendants to file written statement and to contest the suit further.

05.01.2023

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No