

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

Civil Revision No.5330 of 2022

Date of Decision:12.01.2023

Harinder Singh Gill

..... Petitioner(s)

Versus

Karamjeet Singh and another

..... Respondent(s)

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

Present: Mr.Rajesh Bhatheja, Advocate for
the petitioner.

None for the respondents.

H.S. MADAAN, J.(ORAL)

Prayer made in this revision petition is for setting aside the impugned order dated 06.10.2022 passed by the Ld. Civil Judge (Jr. Divn.) Moga in Civil Suit No.2257/2021, titled as 'Karamjeet Singh and another Vs. Harinder Singh Gill' whereby the defence of the defendant(petitioner herein) has been struck off due to non-filing of the written statement.

Briefly stated that facts of the case are that the plaintiffs-Karamjeet Singh and Sarabjeet Singh had filed a suit for declaration against defendant-Harinder Singh Gill. On getting notice of the suit from Court of Civil Judge (Sr. Divn.) Moga, defendant had put in appearance and availed of several opportunities to file written statement, without actually doing so. As such, his defence was struck off vide impugned order dated 06.10.2022.

Feeling aggrieved, he has approached this Court by way of filing instant revision petition. Notice was given to respondents-plaintiffs, who are duly served but have not put in appearance.

I have heard learned counsel for the petitioner and perused the case file.

No doubt, the revision petitioner who is defendant in the civil suit has been negligent in not filing the written statement within the stipulated period of 90 days, after putting in appearance. Though, it is contended by learned counsel for the petitioner that the omission to file written statement within the stipulated period of 90 days was not intentional or willful, but for the reasons beyond his control of the defendant.

I find that in the interest of justice, one opportunity needs to be granted to revision petitioner to file written statement, so that he can contest the suit by giving his version. As such, impugned order dated 06.10.2022 passed by the Ld. Civil Judge (Jr. Divn.) Moga, is set aside and the revision petitioner is granted an opportunity to file written statement within 15 days from today, subject to paying a sum of Rs.10,000/- to the plaintiffs as costs. The revision petitioner shall get a demand draft for a sum of Rs.10,000/- prepared in the name of the plaintiffs and would hand over the same to the plaintiffs or their counsel in the trial Court and only then he would be allowed to file written statement and contest the suit further.

The revision petition is allowed accordingly.

(H.S. MADAAN)
JUDGE

12.01.2023

Anjal

Whether speaking : Yes/No

Whether reportable : Yes/No