

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

**CR No.5753 of 2022  
Date of Decision: 09.01.2023**

Postmaster of Head Post Office, Rupnagar  
and others

...Revisionists-Petitioners

Versus

Khushi (minor) and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present :- Mr. P.C. Goyal, Advocate  
for the revisionists-petitioners.

**MEENAKSHI I. MEHTA, J. (Oral)**

By way of the present revision-petition, the petitioners-defendants No.1 to 3 (for short 'defendants No.1 to 3') have assailed the order dated 26.05.2022 passed by learned Civil Judge (Senior Division), Rupnagar (for short, 'the trial Court'), whereby their right to defend in the Civil Suit bearing CIS No.CS/355/2021, has been struck-off on account of non-filing of the written statement by them, while observing that they had been afforded numerous opportunities for the said purpose.

2. I have heard learned counsel for the petitioners-defendants No.1 to 3 in the instant revision petition, at the preliminary stage and have also perused the file carefully.

3. Though, defendants No.1 to 3 have not filed the written statement well in time but however, keeping in view the fact that in case,

they are deprived from filing the same so as to defend in the said Civil Suit, they would suffer an irreparable loss that may further result in the miscarriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if they (defendants No.1 to 3) are allowed to file their written statement but subject to the payment of cost to respondent No.1-plaintiff.

4. Resultantly, without issuing the notice to the respondents so as to avoid any further delay in the trial of the said Civil Suit and also to avert the expenses that they (respondents) may have to incur to defend in the present petition, the impugned order dated 26.05.2022 is set-aside and the revision petition in hand is hereby disposed of with a direction to the trial Court to afford only one more effective opportunity to defendants No.1 to 3 to file their written statement but the payment of the cost of Rs.5,000/- to respondent No.1-plaintiff shall be a condition precedent for doing so and in case of default on their part in filing the written statement or the payment of the cost on the date as may be fixed by the trial Court, they shall not be entitled to any further opportunity for the said purpose.

5. However, it is further clarified that in the eventuality of any of the respondents feeling aggrieved by this order, she shall be at liberty to move an appropriate application to contest the instant petition.

**09.01.2023**  
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**(MEENAKSHI I. MEHTA)**  
**JUDGE**

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