

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

CR-5584-2022

DATE OF DECISION :- 15.03.2023

Deepak Kumar

...Petitioner

Versus

Sandeep Kumar and another

...Respondents

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

Present: Mr. Atul Goyal, Advocate
for the appellants.

Ms. Shivya Sehgal, Advocate
for respondent No.1.

H.S. MADAAN, J. (ORAL)

In the civil suit titled Sandeep Kumar Vs. Deepak Kumar and another, defendant, namely, Deepak Kumar had put in appearance and sought several adjournments for filing of written statement, however, he failed to do so. Despite availing of several opportunities, resultantly, the defence of defendant No.1 was struck off, vide order dated 17.08.2022 leaving such defendant aggrieved and he has approached this Court by way of filing of the revision petition.

Notice of motion was given to the respondent-plaintiff who had put in appearance.

After hearing learned counsel for the petitioner and going through the record, I find that no doubt the revision petitioner-defendant has been quite negligent in not filing the written statement despite availing of

several opportunities, however, interest of justice demands that he should be given one more opportunity to file written statement of course on payment of cost. Therefore, the impugned order is set aside and revision petitioner/defendant is afforded one more opportunity to file written statement within 15 days from the date of production of copy of this order in the trial Court on payment of Rs.10,000/- as costs, to the plaintiff.

The revision petitioner/defendant shall get a demand draft of Rs.10,000/- prepared in the name of the plaintiff and would then hand over the same to plaintiff/his counsel in the Court and only then he would be allowed to file the written statement. In case of non-compliance, this revision petition would be taken to be dismissed.

The present civil revision petition stands allowed.

15.03.2023

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(H.S. MADAAN)
JUDGE

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