

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

CR-6117-2022 (O&M)

Date of decision: 05.01.2023

Jagsir Singh @ Billu

...Petitioner

Versus

Union Bank of India and others

...Respondents

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

Present: Mr. S.S. Grewal, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

In a suit for recovery of Rs.9,55,314/- filed by Union Bank of India having one of its office at Main Bazaar, Mansa against defendants Jagsir Singh @ Billu, his wife Gursharan Kaur as well as one Gurmail Singh, notice thereof was given to the defendants by the trial Court of Civil Judge (Sr. Divn.) Mansa. Defendants No.1 and 2 had put in appearance and sought repeated adjournments for filing of written statement. Since the written statement was not filed despite granting of various adjournments to defendants No.1 and 2 and their failure to pay costs on 28.10.2021, their defence was struck off. However, subsequently, on an application having been filed by defendants No.1 and 2, they were permitted to join the proceedings, however, were not allowed to file the written statement, vide impugned order dt. 29.09.2022. This order has left defendant No.1-Jagsir Singh aggrieved and he has 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-Bank is not found to be necessary.

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

No doubt, defendants No.1 and 2 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 petitioner that one opportunity be granted to defendants No.1 and 2 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 No.1 and 2 be permitted to file the written statement and contest the case subject to their paying a sum of Rs.15,000/- to the plaintiff in the form of bank draft within 15 days from today. The submission of bank draft in the sum of Rs.15,000/- by the revision petitioner shall be condition precedent for allowing defendants No.1 and 2 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