

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

C.R. No.6701 of 2023
Date of Decision: 08.11.2023

Harbhajan Singh

...Revisionist-Petitioner

Versus

Labh Kaur

...Respondent

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

Present:- Ms. Rajvinder Kaur Sohal, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of this revision petition, the petitioner-defendant (for short 'the defendant') has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, with the prayer for setting aside the order (Annexure P-6) as passed by learned Civil Judge (Junior Division), Rupnagar (for short 'the trial Court') on 13.09.2023, whereby his right to defend in the Civil Suit bearing No.414 of 2023 titled as '**Labh Kaur Vs Harbhajan Singh etc**', has been struck-off on account of non-filing of the written statement by him despite having been granted the last opportunity for this purpose.

2. I have heard learned counsel for the petitioner-defendant in the present revision petition, at the preliminary stage and have also gone through the file carefully.

3. Though, the petitioner did not file the written statement well in time but however, keeping in view the fact that in case, he is deprived from filing the same so as to defend in the above-referred Civil Suit, he would

suffer an irreparable loss that may further lead to/result in the mis-carriage 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 he (petitioner) is allowed to file his written statement but subject to the payment of cost to the respondent-plaintiff.

4. Resultantly, without issuing the notice to the respondent so as to avoid any further delay in the trial of the afore-mentioned Civil Suit and also to avert the expenses that she (respondent) may have to incur to defend in this petition, the impugned order dated 13.09.2023 is set-aside and the revision petition in hand is hereby disposed of with a direction to the concerned trial Court to afford only one effective opportunity to the petitioner to file his written statement in the said Civil Suit but the payment of cost of Rs.5000/- shall be a condition precedent for doing so and in case of default on his part in filing the written statement or in the payment of the cost on the date as may be scheduled by the trial Court, he shall not be entitled to any further opportunity for the above-said purpose.

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

November 08, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

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