

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

**Civil Revision No.6789 of 2023
Date of Decision: 14.11.2023**

Pinki

...Revisionist-Petitioner

Versus

Randhir Singh & others

...Respondents

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

Present:- Mr. Nipun Vashist, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision petition, the petitioner, who has been arrayed as defendant No.2 in the Civil Suit bearing No.160 of 2023 titled as “*Randhir vs. Anita etc*”, has invoked the jurisdiction of this Court under Article 227 of the Constitution of India, to assail the order, passed by learned Civil Judge (Junior Division), Pataudi (for short ‘the trial Court’) on 05.10.2023, whereby her right to defend in the afore-said Civil Suit has been struck-off while observing that she had not filed her written statement, despite having been granted the last opportunity for this purpose.

2. I have heard learned counsel for the petitioner-defendant No.2 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 she is deprived from filing the same so as to defend in the above-referred Civil Suit, she would

suffer an irreparable loss that may further lead to/result in 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 she is allowed to file her 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 afore-mentioned Civil Suit and also to avert the expenses that they may have to incur to defend in this petition, the impugned order dated 05.10.2023 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-defendant No.2 to file her written statement in the above-said Civil Suit but the payment of cost of Rs.7500/- to respondent No.1-plaintiff shall be a condition precedent for doing so and in case of default on her part in filing the written statement or in the payment of the cost on the date as may be scheduled by the trial Court, the petitioner shall not be entitled to any further opportunity for the afore-said purpose.

5. However, it is further clarified here that in the eventuality of respondent No.1-plaintiff or even any of the proforma-respondents feeling aggrieved by this order, he/she shall be at liberty to move an appropriate application to contest the instant petition.

14.11.2023*seema***(MEENAKSHI I. MEHTA)
JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable: No