

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

**Civil Revision No.6907 of 2023
Date of Decision: 17.11.2023**

Sanjay Kumar Goyal

...Revisionist-Petitioner

Versus

Pawan Kumar

...Respondent

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

Present:- Mr. Parminder Singh, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant petition, the petitioner-defendant (here-in-after to be referred as 'the defendant') has invoked the jurisdiction of this Court under Article 227 of the Constitution of India to lay challenge to the order (Annexure P-2) passed by learned Civil Judge (Junior Division), Karnal (for short 'the trial Court') on 27.10.2023 in ***Civil Suit No.1594 of 2023*** titled as '***Pawan Kumar vs. Sanjay Kumar Goyal***', whereby his prayer to grant him one more opportunity to file his written statement, has been declined while observing that no written statement would be entertained on his behalf but keeping his right to cross-examine the witnesses of the plaintiff, intact.

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 defendant 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 himself in the above-referred Civil Suit, he 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 he (defendant) 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 he (respondent) may have to incur to defend in this petition, the impugned order dated 27.10.2023 is set-aside and the revision petition in hand is hereby disposed of with a direction to the concerned trial Court to grant only one opportunity to the defendant for filing his written statement in the above-said Civil Suit but the payment of cost of Rs.10,000/- 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 19.12.2023, i.e the date as already fixed in the trial Court, he 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 the respondent-plaintiff feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant petition.

17.11.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No