

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CR-238-2023 (O&M)

Date of Decision : January 13, 2023

Jagiro and others

.. Petitioners

Versus

Sanjeev Kumar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raghav Sharma, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-646-CII-2023

As prayed for, the application is allowed.

CM-647-CII-2023

Present application has been filed for impleading legal representatives of Mahinder Singh son of Lachman Singh, Gurdial Singh son of Lachman Singh and Gurdev Singh son of Lachman Singh as petitioners No. 8, 9 and 10 respectively.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the present application is allowed. Legal representatives of Mahinder Singh, Gurdial Singh and Gurdev Singh the details of whom are given in para 3 of the application, are allowed to be impleaded in the present civil revision petition.

CR-238-2023

Learned counsel for the petitioners argues that the right to file the written statement has been taken away by the trial Court vide order dated 22.11.2022 by which the defence of the petitioners has been struck off.

Learned counsel for the petitioners submits that even on the date when the defence of the petitioners had been struck off, the services of all the defendants had not completed, which fact is clear from the said impugned order dated 22.11.2022, hence, though there is a delay on the part of the petitioners-defendants to file the written statement but they may kindly be granted another opportunity even if the same is to be given with the cost so as to compensate the plaintiffs.

Keeping in view the request made in the present case especially that the lis between the parties needs to be decided on merits and from the status of the suit, all the defendants have not been served even as of now, the defendants are allowed one opportunity to file the written statement, In pursuance to this order, written statement should be filed by the next date of hearing before the trial Court failing which, the said opportunity being given by this order will also not be extended to the petitioner i.e. defendants in the civil suit.

In order to compensate the plaintiffs, the petitioners are directed to pay a cost of Rs.10,000/- to the plaintiffs on the next date of hearing along with the written statement. In case, the petitioners default on the payment of cost also, the written statement will not be taken on record and the opportunity being granted by this Court by this order will also not allowed and the present civil revision petition will be treated as dismissed.

The civil revision petition is disposed of in above terms.

January 13, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No