

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

CR No.7030 of 2023

Date of Decision: 22.11.2023

Ashwani Kumar

.....Revisionist-Petitioner.

Versus

Paramjit

.....Respondent.

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

Present:- Mr. Sandeep Arora, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order passed by learned Civil Judge (Junior Division), Jalandhar (for short 'the trial Court') on 29.09.2023 in **Civil Suit No.1544 of 2022** titled as '*Paramjit Versus Ashwani Kumar*', whereby the right of the petitioner-defendant (here-in-after to be referred as 'the defendant') to defend in the above-said Civil Suit, has been struck-off on account of his having failed to file his written statement despite availing numerous opportunities for this purpose, he (defendant) has preferred the instant revision petition to lay challenge to the said order.

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 to defend in the afore-said 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 would 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 (for short, 'the plaintiff').

4. Resultantly, without issuing the notice to the plaintiff so as to avoid any further delay in the trial of the above-mentioned Civil Suit and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition, the impugned order dated 29.09.2023 is set-aside and the revision petition in hand is, hereby, disposed of with the direction to the defendant to file his written statement in the said Civil Suit within a period of 10 (ten) days from the date of this order but the payment of cost to the tune of Rs.30,000/-, 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 within the afore-referred period, 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 plaintiff feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest the instant petition.

November 22, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No