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

CR-7584-2023

Date of Decision:- 15.12.2023

DEEN MOHAMMAD AND ORS

...Petitioners

Vs.

KHURSHID AND ANR

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ashish Gupta, Advocate for the petitioners.

AMARJOT BHATTI, J. (Oral)

1. The petitioners have filed the instant civil revision under Article 227 of the Constitution of India for setting aside the order dated 30.10.2023 (P-8) passed by learned Additional Civil Judge (Sr. Divn.), Nuh whereby their defence has been struck off on account of non-filing of written statement.

2. Learned counsel for the petitioners conceded that there was delay on their part in filing the written statement. They may be given one opportunity to file their written statement by imposing reasonable costs. It is further pointed out that the evidence in this case is yet to start as it is fixed for 23.04.2024. The copy of impugned order dated 30.10.2023 is Annexure P-8.

3. I have considered the arguments and have gone through the record. In this case, plaintiffs Khurshid and another filed suit for permanent injunction against the present petitioners/defendants. As per the order dated 14.03.2023 (P-4) counsel for the present petitioners/defendants No.1 to 4

filed their power of attorney and the case was adjourned for filing of written statement. Thereafter, the case was adjourned four times for filing of written statement and ultimately by passing impugned order dated 30.10.2023, the defence was struck off. It is in the interest of justice that the case is decided on merits. Perusal of order dated 30.10.2023, Annexure P-8, indicates that evidence in this case is yet to start. No purpose would be served by giving notice to the respondents/plaintiffs especially when they can be suitably compensated by imposing costs. Therefore, taking a lenient view, the present revision petition is allowed and the impugned order dated 30.10.2023, (Annexure P-8), is set aside by giving direction to the learned trial Court to give one opportunity to the petitioners/defendant Nos.1 to 4 to file their written statement on the date fixed i.e. 23.04.2024 subject to payment of costs of Rs.20,000/- to the plaintiffs.

4. The Civil Revision is, accordingly, disposed of.

Pending application (s), if any, also stands disposed of.

15.12.2023

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No