

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

CR No.526 of 2024

Date of Decision: 31.01.2024

Ram Das and others

...Revisionists-Petitioners

Versus

Paresh Nath and others

...Respondents

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

Present:- Mr. Baljeet Beniwal, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners-defendants No.1 and 3 to 5 (here-in-after to be referred as 'the petitioners') have laid challenge to the order Annexure P-3 as passed by learned Civil Judge (Junior Division), Hodal (for short 'the trial Court') on 20.05.2023 in ***Civil Suit No.565 of 2022*** titled as '***Paresh Nath vs. Ram Dass and others***', whereby their right to defend in the afore-said Suit has been stuck-off, while observing that they had failed to file the written-statement and reply, despite availing several opportunities for this purpose.

2. I have heard learned counsel for the petitioners-defendants No.1 and 3 to 5 in the present revision-petition, at the preliminary stage and have perused the file carefully.

3. Though, the petitioners did not file their written-statement and reply well in time but keeping in view the fact that in case, they are deprived of their valuable right to file the same for defending themselves in the above-

referred Civil Suit, they 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 they (petitioners) are allowed to file their written-statement and reply but subject to the payment of cost to respondent No.1-plaintiff.

4. Resultantly, without issuing notice to respondent No.1-plaintiff so as to avoid any further delay in the adjudication of the afore-mentioned Civil Suit and also to avert the expenses that the plaintiff may have to incur to defend in this petition, the impugned order dated 20.05.2023 (Annexure P-3) is set-aside and the revision-petition in hand is, hereby, disposed of with a direction to the trial Court to afford only one opportunity to the petitioners to file their written-statement and reply in the above-said Suit but the payment of cost of Rs.20,000/- to the plaintiff shall be a condition precedent for doing so and in case of the default on the part of the petitioners in filing the written-statement and reply or in the payment of cost on 17.02.2024, i.e the next date as stated to have been scheduled by the trial Court for hearing in the afore-mentioned Civil Suit, the petitioners shall not be entitled to any further opportunity for the above-said purpose.

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

31.01.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No