

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 327 of 2022 (O&M)****Date of Decision: 04.03.2024**

Sukh Bachan Singh

... Petitioner(s)

Versus

Gurmukh Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Sunil Kumar Rana, Advocate
for the petitioner(s).Mr. S.K.Jain and Mr. Anubhav Singla, Advocates
for respondent No.1 and 2.**Anil Kshetarpal, J.**

1. The petitioner before this Court is a defendant in the plaintiffs' suit for the grant of decree of declaration to the effect that they are the owners in possession of the property bearing Municipal No. 1066, situated in Mohalla Gobindpura, Manimajra, U.T. Chandigarh, to the extent of half share on the basis of the registered Will of late Sh. Mehar Singh. The petitioner, through his legal aid counsel, entered appearance on 01.09.2018, however, he failed to file a written statement resulting in passing of an order striking out his defence on 02.02.2019. He filed an application to set aside the aforesaid order which was allowed on 25.08.2021 while granting him an opportunity to file an application for supply of documents produced by the plaintiffs. Subsequently, his defence was once again struck off on 08.09.2021. Thereafter, he filed an application for recalling of that order

which was dismissed on 01.12.2021. Challenging the correctness of the aforesaid order, this revision petition has been filed.

2. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

3. The learned counsel representing the petitioner submits that the petitioner herein does not have resources to contest the litigation. He submits that the petitioner is trying to contest the case with the help of the legal aid counsel. He further submits that the petitioner will file his written statement within a week from today and will also cross-examine the plaintiffs' witnesses on the next date of hearing i.e. 13.03.2024.

4. On the other hand, the learned counsel representing respondent No.1 and 2 (plaintiffs) contends that the petitioner has already been shown indulgence by the Trial Court and this Court should not interfere.

5. The submissions of the learned counsel representing the parties have been considered.

6. The dispute is with regard to the immovable property. The petitioner herein is represented by a legal aid counsel. In other words, he is not financially sound. In these circumstances, the Court is required to show more indulgence towards the party which does not possess financial strength as compared to his opponent. Moreover, the case is now fixed for the plaintiffs' evidence on 13.03.2024.

7. Keeping in view the undertaking given by the petitioner, the present revision petition is allowed. If the petitioner files the written statement within a week from today, the same shall be taken on record and

the Court will permit him to cross-examine the witnesses which may be

produced by the plaintiffs on 13.03.2024, the date already fixed in the case.

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 04, 2024
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No