

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

**CR No.1185 of 2024
Date of Decision: 27.02.2024**

Ram Kumar and another

...Revisionists-Petitioners

Versus

Rajbir and another

...Respondents

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

Present:- Mr. Vishal Pundir, Advocate and
Mr. Govind Chauhan, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By way of this revision-petition, the petitioners-defendants No.1 & 2 (here-in-after to be referred as 'defendants No.1 & 2') have laid challenge to the order (Annexure P-5) passed by learned Civil Judge (Junior Division), Karnal (for short 'the trial Court') on 15.01.2024 in the *Civil Suit No.341 of 2023* titled as '*Rajbir versus Ram Kumar and others*', whereby the right of defendants No.1, 2 and proforma-respondent/defendant No.3 to defend in the said Civil Suit has been stuck-off, while observing that they had failed to file their written-statement and reply to the injunction application despite availing effective opportunities for this purpose.

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

3. Though, defendants No.1 & 2 have failed to submit their written-statement as well as the reply to the injunction application well in time but keeping in view the fact that in case, they are deprived of their valuable right

to file the same to defend themselves in the afore-said Civil Suit, they shall 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 will be in the fitness of the things and the ends of justice will also be best served if they are allowed to file their written-statement and reply to the injunction application 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 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 (Annexure P-5) is set-aside so far as it pertains to defendants No.1 & 2 only and the revision-petition in hand is, hereby, disposed of with the direction to the trial Court to afford only one opportunity to them to file their written-statement and reply to the injunction application in the afore-said Civil Suit but the payment of cost of Rs.20,000/- shall be a condition precedent for doing so and in case of default on their part in filing the written-statement and reply to the injunction application or in the payment of cost on 14.03.2024, the next date as stated to have been scheduled by the trial Court for hearing in the above-referred Civil Suit, defendants No.1 & 2 shall not be entitled to any further opportunity for the afore-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.

27.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No