

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.1910 of 2024
Date of Decision: 01.04.2024

Jaswant Singh @ Jaswant Singh Yadav and another
.....Revisionists-Petitioners.

Versus

Amarchand and others
.....Respondents.

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

Present:- Mr. Prashant Singh Chauhan, 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.3 and 4 (here-in-after to be referred as ‘the petitioners’) have laid challenge to the order passed by learned Civil Judge (Junior Division), Mahendergarh (for short ‘the trial Court’) on 15.02.2024 in ***Civil Suit No.312 of 2020*** titled as ‘***Amar Chand and Ors. Vs. Amilal and anr***’, dismissing the application, moved by them under Order VIII Rule 11 CPC for seeking permission to file their written-statement and they have also assailed the order passed by the trial Court in the above-said Civil Suit on 31.05.2022, whereby their right to defend has been struck-off, while observing that they had failed to file their written-statement despite availing several opportunities for this purpose.

2. I have heard learned counsel for the petitioners in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Though, the petitioners did not file their written-statement well in time but keeping in view the fact that if, they are deprived of their valuable right to file the same to defend themselves in the afore-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 but subject to the payment of cost to the respondents-plaintiffs (here-in-after to be referred as 'the plaintiffs').

4. Resultantly, without issuing the notice to the plaintiffs so as to avoid any further delay in the adjudication of the above-mentioned Civil Suit and also to avert the expenses that they (plaintiffs) may have to incur to defend in this petition, both the impugned orders dated 31.05.2022 and 15.02.2024 are set-aside and the instant revision-petition is hereby disposed of with a direction to the trial Court to afford only one opportunity to the petitioners to file their written-statement in the afore-referred Civil Suit but the payment of the cost of Rs.60,000/- to the plaintiffs shall be a condition precedent for doing so and in case of default on the part of the petitioners in filing their written-statement or in the payment of cost on 15.04.2024, they (petitioners) shall not be entitled to any further opportunity for the above-said purpose.

5. However, it is also clarified here that in the eventuality of the plaintiffs feeling aggrieved by this order, they shall be at liberty to move an appropriate application to contest the instant petition.

April 01, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No