

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.2667 of 2024 (O&M)

Date of Decision: 02.05.2024

Parveen Kumar Sharma

...Revisionist-Petitioner

Versus

Bipan Sharma and others

...Respondents

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

Present:- Mr. Kinshuk Nanda, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-defendant No.1 (here-in-after to be referred as 'defendant No.1') has laid challenge to the order (Annexure P-2) passed by learned Civil Judge (Senior Division) (NRI Court), Jalandhar (for short 'the trial Court') on 02.08.2023 in ***Civil Suit No.2781 of 2020*** titled as '***Bipan Sharma vs. Parveen Kumar Sharma and others***', whereby his right to defend in the said Suit has been struck-off, while observing that he had not filed his written-statement and reply to the stay application till that day.

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

3. Though defendant No.1 failed to submit his written-statement as well as reply to the stay application, well in time but keeping in view the fact that if he is deprived of his valuable right to file the same to defend himself in the afore-mentioned Suit, he shall suffer an irreparable loss that may further

lead to/result in 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 he is allowed to file his written-statement and reply to the stay 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-said Suit and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition, the impugned order (Annexure P-2) is set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the trial Court to afford only one opportunity to defendant No.1 to file written-statement and reply to the stay application in the afore-referred Civil Suit but the payment of cost of Rs.10,000/- shall be a condition precedent for doing so and in case of default on his part in filing the written-statement and reply to stay application or in the payment of cost on 31.05.2024, i.e the next date as stated to have been scheduled for hearing in the Suit under reference, he (defendant No1) 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 revision-petition.

02.05.2024
neetu

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>