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

CR-3084-2024

Date of Decision: 20.05.2024

ROOP KIRAN DHILLON AND ANOTHER PETITIONERS

VS

KRISHAN MOHINDER SINGH AND OTHERS RESPONDENTS

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. C.M.Munjal, Advocate for the petitioners.

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GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for quashing the order dated 15.02.2024 (Annexure P-2) passed by the Ld. Additional Civil Judge (Sr. Division), Patiala whereby defence of the petitioners/defendant Nos. 1 and 2 in Civil Suit No. 33 of 2022 has been struck off on account of non-filing of written statement.

2. Learned counsel for the petitioners submits that in the order dated 16.10.2023, despite pending application under Order 7 Rule 11 of CPC, petitioners were asked to file written statement and the case was adjourned to 20.12.2023. The application under Order 7 Rule 11 CPC was not decided and petitioners were again asked to file written statement on 15.02.2024. On the said date, the defence was struck off but application under Order 7 Rule 11 CPC has not yet decided. He further submits that petitioners would be satisfied if one opportunity is granted to them to file the written statement.

3. If notice of this petition is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents.
4. So, in the interest of justice, order dated 15.02.2024 (Annexure P-1) passed by the Ld. Additional Civil Judge (Sr. Division), Patiala is hereby set aside and this petition is disposed of with a direction to the trial Court to give one opportunity to the petitioners to file written statement on the next date but subject to payment of costs of Rs. 5,000/- to be deposited with the concerned District Legal Services Authority. The petitioners shall file written statement on the date fixed before the trial Court and no further opportunity shall be given to him for this purpose. In case of default, this order shall automatically stand vacated.
5. Present revision petition stands disposed of accordingly.
6. If the respondents are not satisfied with this order, they may move an application within 30 days to recall the same.

20.05.2024
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No