



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

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**CR-3062-2024 (O&M)
Date of Decision : 24.05.2024**

CHUNI LAL DHAR

.... Petitioner

VERSUS

SANJEEV KUMAR AND OTHERS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arun Bansal, Advocate
Mr. Anubhav Bansal, Advocate and
Ms. Anju, Advocate for the petitioner.

Mr. Vishal Sharda, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. Mr. Vishal Sharda, Advocate has appeared and has filed his power of attorney on behalf of respondent No.1. The same is taken on record.
2. Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 06.05.2024 (Annexure P-13) passed by the learned Civil Judge (Junior Division), SAS Nagar, Mohali whereby the defence of defendant No.1-petitioner was struck off for non-filing of the written statement.
3. Learned counsel for defendant No.1-petitioner would contend that given one opportunity the defendant No.1-petitioner would file his written statement and that defendant No.1-petitioner is also willing to compensate the plaintiff-respondent No.1 by way of costs.



4. *Per contra*, learned counsel for the plaintiff-respondent No.1 would contend that despite numerous opportunities the written statement was not filed by defendant No.1-petitioner and that defendant No.1-petitioner is resorting to the dilatory tactics.

5. Heard.

6. In the present case the defendant No.1-petitioner had put in appearance on 06.10.2023. Thereafter the matter was referred to the Mediation and Conciliation Centre. Subsequent thereto, an application was filed under Order VII Rule 11 CPC by defendants No.2 to 4 which was later on withdrawn. On 09.03.2024 also the matter was put up before the National Lok Adalat for exploring the possibility of a compromise. No doubt opportunities have been granted by the Trial Court to defendant No.1-petitioner for filing the written statement and despite that written statement has not been filed, however, keeping in view that the suit is for specific performance, injustice would be caused to the defendant No.1-petitioner if he is not permitted to file his written statement.

7. In view thereof, the impugned order dated 06.05.2024 is set aside and the defendant No.1-petitioner is granted one opportunity to file his written statement on or before the date fixed before the Trial Court i.e. **27.05.2024** subject to payment of Rs.30,000/- as costs to be paid to the plaintiff-respondent No.1. The payment of costs shall be a condition precedent for filing of the written statement. It is made clear that in case the



written statement is not filed on or before the next date of hearing i.e. 27.05.2024, the present revision petition shall be deemed to have been dismissed.

8. Petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

24.05.2024	(ALKA SARIN)
Aman Jain	JUDGE
NOTE:	Whether speaking/non-speaking: Speaking
	Whether reportable: Yes/No