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

CR No.3175 of 2024 (O&M)

Date of Decision : 11.12.2024

Kuldip Singh and another

.....Petitioners

Versus

Balvir Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munish Goel, Advocate
for the petitioners.

PANKAJ JAIN, J. (ORAL)

Instant revision petition is directed against order dated 22.02.2024 whereby application filed by the petitioners for striking out the pleadings and defence of defendants No.1 and 2 for non-filing of written statement within the period as prescribed under law, has been rejected.

2. For convenience, the parties hereinafter are referred to by their original position in the suit i.e. the petitioners as the plaintiffs and the respondents as the defendants.

3. Petitioners/plaintiffs filed instant suit. Defendants No.1 and 2 appeared through their counsel on 04.08.2020. Despite availing repeated opportunities, they failed to file written statement. Vide order dated 26.10.2022, they were granted last opportunity, subject to payment of cost of Rs.300/- and the matter was adjourned to 03.01.2023.



4. Petitioners/applicants claim that though on 03.01.2023 written statement was filed by defendants No.1 and 2 but they failed to deposit the cost imposed by the Court and filed present application.

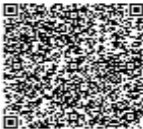
5. Trial Court dismissed the application after noticing that though in the order dated 03.01.2023, it was mentioned that the cost remained unpaid but at the bottom of the order dated 03.01.2023, there is a report to the effect that the receipt issued by District Legal Services Authority has been attached, which demonstrates payment of cost of Rs.300/- on 03.01.2023.

6. Counsel for the petitioners is not in position to dispute the aforesaid facts. However, he submits that respondents filed written statement beyond the period as prescribed under law.

7. I have heard counsel for the petitioners and have carefully gone through records of the case.

8. It is not disputed by the counsel that order dated 26.10.2022 whereby respondents were granted last opportunity to file written statement subject to payment of cost of Rs.300/- was never impugned/challenged by the petitioners. The order stands complied with in its letter and spirit by the respondents.

8. In view thereof, this Court does not find any reason to interfere in the present revision petition. Consequently, the same is ordered to be dismissed.



9. Pending application(s), if any, shall also stand disposed off.

December 11, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No