



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3223 of 2024
Date of Decision: 24.05.2024

D. Suresh
...Revisionist-Petitioner
Versus
Anil Narang and others
...Respondents

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

Present:- Mr. Harish Bhardwaj, Advocate appearing for
Mr. Manoj Kumar Taya, 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-respondent No.1 (here-in-after to be referred as 'the petitioner') has assailed the order, as handed down by learned Civil Judge (Junior Division), Panipat (for short 'the trial Court') on 15.03.2024 in **CM No.111 of 2019** titled as '**Anil Narang versus D. Suresh and others**', whereby he has been precluded from filing the Reply to the afore-referred CM, while observing that he had failed to submit the same, despite availing several effective opportunities for this purpose.

2. I have heard learned counsel appearing for the petitioner, at the preliminary stage, in the present revision-petition and have also gone through the file carefully.
3. A perusal of Annexure P-3, i.e the copy of the order passed by the trial Court on 19.01.2024, reveals that the Power of Attorney on behalf of the petitioner (as respondent No.1) was filed on that day and the above-said



CM had been adjourned to 15.03.2024. It being so, the observations, made by the trial Court in the impugned order, as rendered on 15.03.2024, to the effect that the petitioner had not filed Reply despite availing several opportunities for the afore-mentioned purpose is, explicitly, factually wrong.

4. Seen from yet another angle also, if the petitioner is deprived of his valuable right to file the Reply to defend himself in the above-referred CM, he shall suffer an irreparable loss that may further lead to/result in the mis-carriage of justice and therefore, 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 (petitioner) is granted one opportunity to file his Reply.

5. Resultantly, without issuing notice to respondent No.1-plaintiff so as to avoid any further delay in the adjudication of the afore-mentioned CM and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition, the impugned order is set-aside and the revision-petition in hand is, hereby, disposed of with direction to the concerned trial Court to afford only one opportunity to the petitioner to file his Reply to the above-referred CM but in case of default on his part in doing so on 21.08.2024, the next date as stated to have been scheduled for listing the CM under reference, he (petitioner) shall not be entitled to any further opportunity for the afore-said purpose.

6. 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.

24.05.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No