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

CR-3398-2024

Date of Decision:30.05.2024

Dharamjeet and others

...Petitioners

Versus

Bhom Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Mohinder Singh Kathuria, Advocate
for the petitioners.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 07.11.2023 passed by the Ld. Civil Judge (Sr. Division), Jhajjar whereby defence of the petitioners has been struck off.

2. At the outset, learned counsel for the petitioners makes the statement to withdraw the petition qua petitioner No.8, who is defendant No.32 in original suit.

In view of the statement, petition qua petitioner No.8 is dismissed as withdrawn.

3. Learned counsel for the petitioners submits that non-filing of the written statement was not intentional and the same could not be filed for want of some important documents which were necessary for the just and proper adjudication of the matter.

4. After arguing for some time, learned counsel for the petitioners submits that he would be satisfied, if one opportunity is granted to the petitioners

for filing the written statement. The next date fixed before the Ld. trial Court is 03.08.2024.

5. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents. So, notice to respondents is hereby dispensed with.

6. It is well settled that procedure is handmaid to the administration of the justice, it is meant for advancement of justice. Mere technicalities should not come in the way of non-suiting any of the parties. As far as possible, the discretion of the Court should be exercised in favour of passing decisions after giving appropriate opportunities to the parties and it should not shut out the hearing. In case, petitioners/defendants are allowed to file the written statement the Court would be able to do complete justice to the parties or other party can be compensated with costs. Moreover, some of the defendants are yet to be served.

7. So, without commenting upon the merits of the case and in the interest of justice, order dated 07.11.2023 passed by the Ld. Civil Judge (Sr. Division), Jhajjar is hereby set aside and this petition is disposed of with a direction to the concerned Court to give one opportunity to the petitioners to file the written statement on the next date of hearing subject to payment of costs of Rs.5,000/- to be paid to the opposite party. No further opportunity shall be granted.

8. If the respondents are not satisfied with this order, they can move an application within 30 days for recalling of this order.

9. Petition stands disposed of.

30.05.2024

Parveen kumar

**(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No