

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3331 of 2024
Date of Decision: 29.05.2024

Som Nath and another
...Revisionists-Petitioners
Versus
Devarsh Saini (minor) and others
...Respondents

CORAM: ***HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

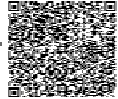
Present:- Mr. Naveen Batra, Advocate
 for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioners-defendants No.1 & 2 (here-in-after to be referred as ‘defendants No.1 & 2’) have laid challenge to the order (Annexure P-3) passed by learned Civil Judge (Junior Division), Anandpur Sahib (for short ‘the trial Court’) on 07.05.2024 in ***Civil Suit No.351 of 2023*** titled as ***‘Devarsh Saini (Minor) versus Som Nath and others’***, whereby their right to defend in the above-said Suit has been struck-off, while observing that they had failed to file their written-statement, despite availing sufficient opportunities for this purpose.

2. I have heard learned counsel for the petitioners-defendants No.1 & 2, at the preliminary stage, in the present revision-petition and have also perused the file carefully.

3. Though defendants No.1 & 2 did not file their written-statement, well in time but keeping in view the fact that if they are deprived of their



valuable right to file the same, to defend themselves in the afore-mentioned Suit, they shall suffer an irreparable loss that may further lead to/result in the mis-carriage of justice, 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 they are granted one more opportunity to file their written-statement but subject to the payment of cost to respondent No.1-plaintiff.

4. Resultantly, without issuing notice to respondent No.1-plaintiff so as to avoid any further delay in the adjudication of the above-said Suit and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition, the impugned order (Annexure P-3) is partly set-aside to the extent so far as it pertains to defendants No.1 & 2 and the revision-petition in hand is, hereby, disposed of with the direction to the trial Court to afford only one opportunity to them (defendants No.1 & 2) to file their written-statement in the afore-referred Civil Suit but the payment of cost of Rs.10,000/- shall be a condition precedent for doing so and in case of default on their part in filing the written-statement or the payment of cost on the date, as may be scheduled by the trial Court in terms of this order, they (defendant No.1 & 2) shall not be entitled to any further opportunity for the above-mentioned purpose.

5. 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.

29.05.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No