

CR-6241-2022(O&M)

2024 PHHC-072248



1

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6241-2022(O&M)

Date of decision : 21.05.2024

Rekha Ravhav and another

...Petitioners

Vs.

Madan Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for the petitioners.

Mr. Amit Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the petitioners assail the correctness of order dated 03.05.2019, whereby their defence was struck off for failing to file the written statement.

2. Learned counsel representing the respondent submits that this revision petition has been filed after a period of three years from the date of the impugned order. He submits that the revision petition should be dismissed only on this ground.

3. *Per contra*, the learned counsel representing the petitioners submits that the petitioners were proceeded against *ex parte* on 25.11.2019. Subsequently, on an application filed by petitioner No. 1, the *ex parte* proceedings against her were set aside on 24.05.2022. Hence, the petitioners filed the revision petition in this Court in order to file their written statement.

4. On a Court question, learned counsel representing the parties have

disclosed that the plaintiff has filed a suit for grant of decree of declaration that the sale deed executed in favour of the petitioners is a result of fraud. It has also been disclosed that the suit is at the stage of cross-examination of the plaintiff's evidence and only an affidavit in lieu of examination-in-chief has been rendered.

5. Keeping in view the aforesaid facts, the revision petition is disposed of with the observations that the petitioners shall file their written statement before the next date of hearing before the trial Court i.e 29.05.2024 with a copy supplied in advance to the learned counsel representing the plaintiff. This opportunity shall be subject to the cost of Rs. 10,000/- which shall be payable to the plaintiff by a demand draft. If the petitioners failed to file the written statement before 29.05.2024, the revision petition filed by the petitioners shall be deemed to have been dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

21.05.2024

neeraj

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No