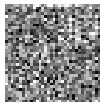


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

2024.PHHC:068901



CR-4205-2022
Date of decision: 17.05.2024

RANBIR AND OTHERS

..Petitioners

Versus

KARAMBIR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Goyal, Advocate
for the petitioners.

Mr. Arun Kumar Singal, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the petitioners assail the correctness of order dated 21.12.2021, passed by the trial Court striking off his defence on the ground that they have failed to file written statement. The petitioners are defendants No.1 to 3 in the plaintiffs suit for partition of the property. During Covid-19 pandemic, the petitioners defence was struck off. The learned counsel representing the petitioner submits that if one opportunity is granted, the petitioner will file the written statement to enable him to properly contest the case.
2. Per contra, the learned counsel representing the respondents submits that after the petitioners defence was struck off, their counsel continued to appear and also cross-examined plaintiffs witnesses. He submits that this revision petition has been filed after the trial has made substantial progress.
3. This Court has considered the submissions of the learned counsel representing the parties.

4. While calculating the limitation, the period from 15.03.2020 to 28.02.2022, is required to be excluded as per the guidelines issued by the Supreme Court.
5. In such circumstances, the validity of the order dated 21.12.2021 is required to be examined. At the relevant time, the normal functioning of the Courts was also hampered like other government offices and private organizations.
6. Though, the petitioners have filed the revision petition in September, 2022, however, this Court is not expected to take a narrow view of the matter. The suit is with respect to the immovable property in which substantive rights of the defendants are involved.
7. Hence, the revision petition is allowed.
8. The petitioners are granted one more opportunity to file their written statement within a period of 15 days, from today.
9. If the written statement is filed, the same shall be taken on record and the Court should proceed with the case.
10. If no written statement is filed, the revision petition shall be deemed to have dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

May 17th, 2024

Ay

(ANIL KSHETARPAL)
JUDGE

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