

**CR-5243-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****(131)****CR-5243-2024****Date of Decision: - 30.09.2024****Sandeep Mahajan and another****....Petitioners****Versus****Rajneesh Mahajan and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. V.K. Sandhir, Advocate,  
for the petitioners.

**\*\*\*\*****VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 16.08.2024 passed by the Civil Judge (Junior Division), Amritsar, whereby the defence of the petitioners/defendants No.2 & 3 (wrongly mentioned as defendants No.1 and 2 in the order) has been struck off.
2. Learned counsel for the petitioners has submitted that in the present case, notice was issued on 07.02.2024 for 24.04.2024 and on 24.04.2024, the petitioners through their counsels had appeared before the trial Court and the said date was the first date and the case was thereafter adjourned to 18.07.2024 and on 18.07.2024, the case was adjourned to 16.08.2024, on which date the impugned order was passed. It is submitted

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that in the present case, the counsel had already prepared the written statement but petitioner No.1, who is the brother of respondent No.1, was hopeful that the matter would be settled and since the matter has not been settled as on date, it is prayed that one opportunity be granted to the petitioners to file the written statement and for the delay caused to the respondents, the petitioners are ready to pay reasonable costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the view that the petitioners be granted one last opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 16.08.2024 (Annexure P-1) is partly set aside, to the effect that defence of defendant Nos.2 and 3 (wrongly mentioned as defendants No.1 and 2) has been struck off and the petitioners are granted one last opportunity to file the written statement within a period of two weeks from today and the same would be subject to the petitioners depositing an amount of Rs.15,000/- within the aforesaid period before the trial Court and on depositing the said amount, the trial Court would release the same to respondent No.1/plaintiff.

4. It is made clear that in case the written statement is not filed within the said period or that the cost of Rs.15,000/- is not deposited by the petitioners within the said period, then, the present revision petition would be deemed to be dismissed.

5. It would be relevant to mention that notice of motion has not been issued to respondent No.1-plaintiff as issuance of any notice would further delay the proceedings in the suit filed by respondent No.1/plaintiff

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and would also entail expenses for respondent No.1 in order to defend the present revision petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case any of the statements made before this Court are found to be false/incorrect.

September 30, 2024

*naresh.k*

( VIKAS BAHL )  
JUDGE

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|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |