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

CR-5316-2024

Date of decision: 25.09.2024

Ram Kumar (deceased) through his LRs

...Petitioner(s)

Versus

Rajbala Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankit Chahal, Advocate for the petitioner(s).

Mr. Baljeet Nain, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.05.2024 passed by the Civil Judge (Junior Division), Narwana whereby the defence of the petitioner(s)/defendants has been struck off.

2. On 16.09.2024, this Court had passed the following order:-

“Learned counsel for the petitioner(s) has submitted that against the judgment and decree dated 22.02.2023 passed by the Civil Judge (Junior Division), Narwana, the petitioner(s) had filed an appeal and in the said appeal, on 24.03.2023, the Additional District Judge, Jind had passed the following order:-

“Present : Sh. Ram Roop Chahal, Advocate for appellant.

Instant civil appeal along with stay application received by assignment. It be checked and registered. Since the



appeal involves some arguable points, therefore, the same is hereby admitted for hearing.

The learned counsel for the appellant submitted that till next date of hearing the operation of impugned order may be stayed. In this regard, it is observed that after perusing the record, this court is of the view that let the notice to the respondents be issued before considering the request of stay and the record from the learned trial court is also required to be called. At this juncture, learned counsel submitted that in such a situation the shortest adjournment may be granted. Request considered and allowed. Now, to come up on 29.03.2023. the notice to the respondents be issued for the date fixed on filing of PF, copy etc. through registered AD. Lower court's record be also requisitioned for the date fixed.

Date of Order: 24.03.2023”

It is submitted that the said appeal is still pending. It is further submitted that the petitioner(s) is ready to reasonably compensate respondent No.1 in case petitioner(s) is granted one opportunity to file reply to the application filed by the respondents for passing of final decree.

Notice of motion to respondent Nos.1 to 5 only for 25.09.2024.

Notice regarding stay.

Liberty is granted to the petitioner(s) to serve respondent Nos.1 to 5 through dasti process also. The petitioner(s) would get an amount of Rs.10,000/- on the next date of hearing.

To be shown in the urgent list.”

3. Learned counsel for the petitioner(s) has submitted that in pursuance of the abovesaid order, he has got an amount of Rs.10,000/- in cash which has been handed over to counsel appearing on behalf of respondent No.1, who is the plaintiff in the present case and counsel for respondent No.1 has reaffirmed the said fact.

4. During the course of hearing, it has been agreed between the parties that the impugned order dated 30.05.2024 be set aside to the extent that defence of the petitioner(s)/defendant Nos.1(a) and 5 has been struck off, with the following observations:-

- i) One last opportunity is granted to the petitioner(s)/defendant Nos.1(a) and 5 to file a reply on or before 15.10.2024 by making an appropriate application before the trial Court with a copy in advance to counsel for the plaintiff appearing in the trial Court. It is made clear that in case the reply is not filed on or before the said date then the present revision petition would be deemed to be dismissed.
- ii) The petitioner(s) would also regularly and diligently pursue the matter and would not delay the proceedings any further.

5. In view of what has been observed above, the present revision petition is partly allowed.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.09.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No