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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(121)

CR-5273-2024

Date of Decision: - 12.09.2024

Suresh Chander Bhatia and others

....Petitioners

Versus

Vibha Bhatia

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Khunger, 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 impugned order dated 13.08.2024 (Annexure P-8) passed by the Civil Judge (Junior Division), Faridabad, whereby the application dated 13.08.2024 (Annexure P-7) filed by the respondent/plaintiff for striking out the defence of the defendants has been allowed.

2. Learned counsel for the petitioners has submitted that the present civil suit for declaration and permanent injunction and partition has been filed by the daughter against the petitioners, who are her father and brothers. It is further submitted that counsel for the petitioners had appeared before the trial Court on 20.07.2023 and on the said date, interim order was passed in favour of the plaintiff/respondent to the effect that till further orders, both the parties would maintain status-quo qua alienation over the suit property and the matter was adjourned to



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14.08.2023 and on 14.08.2023, the matter was adjourned to 09.10.2023. It is stated that on 09.10.2023, it was submitted on behalf of both the parties that there were chances of compromise between the parties and a request was made that the matter be referred to the mediation centre and that from 09.10.2023 till 23.05.2024 the case was adjourned for awaiting the report from the mediation centre and it was on 23.05.2024 (Annexure P-6) that the report came to the effect that the matter could not be settled and the case was adjourned to 01.07.2024. It is submitted that the impugned order dated 13.08.2024 did not exclude the period from 09.10.2023 till 23.05.2024, during which the matter was pending before the mediation centre while considering the delay in filing the written statement. It is prayed that one last opportunity be granted to the petitioners to file the written statement and in case the same is not granted, then, the petitioners would suffer irreparable loss and would not be able to plead their defence in the civil suit filed by the plaintiff/respondent. It is stated that the next date of hearing before the trial Court is 16.09.2024 and the petitioners undertake to file the written statement on or before 16.09.2024 and for the delay caused in the proceedings, the petitioners are ready to compensate the respondent/plaintiff.

3. Keeping in view the above-said facts and circumstances, more so the fact that from 09.10.2023 (Annexure P-5) till 23.05.2024 (Annexure P-6) the case was pending before the mediation centre on the joint request of counsel for both the parties and also keeping in view the fact that the present dispute is between the daughter on one side and



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father and brothers on the other side and also the fact that the petitioners are ready to compensate the respondent for the delay in filing of the written statement, 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 13.08.2024 (Annexure P-8) is set aside and the petitioners are granted one last opportunity to file the written statement and the same would be filed on or before 16.09.2024 along with cost of Rs.25,000/-. The said cost of Rs.25,000/- would be released to the respondent-plaintiff.

4. It is made clear that in case the written statement is not filed on or before 16.09.2024 and the said cost of Rs.25,000/- is not deposited by the petitioners on the said date, 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 the respondent-plaintiff as the issuance of any notice would further delay the proceedings in the suit filed by the respondent/plaintiff for declaration and permanent injunction and partition and also entail expenses for the respondent in order to defend the present revision petition. However, it would be open to the respondent to move an application for recalling the present order in case any of the statements made before this Court is found to be false/incorrect.

September 12, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No