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

CR-5508-2024

Date of decision: 03.10.2024

Ranjit Singh and another

...Petitioners

Versus

Paramjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jasraj Singh, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 31.10.2023 (Annexure P-1) passed by the Court of Civil Judge (Junior Division), Hoshiarpur in case No.CS/241/2021 titled as “Paramjit Kaur Vs. Ram Saroop Singh etc.” whereby the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that although there has been a delay on the part of the petitioners in filing the written statement but a perusal of the zimni orders would show that on certain dates, holiday had been declared on the days when the case was fixed and in the said regard, has referred to the zimni order dated 27.04.2021. It is submitted that on certain dates, fresh notices were issued to other defendants including defendant No.3 for service and in the said regard, he has referred to the



zimni orders dated 07.10.2021, 22.12.2021 and also 23.02.2022. It has further been submitted that a perusal of the zimni order dated 23.02.2022 would show that an application under Order 6 Rule 17 and 151 CPC for amendment of the heading of the plaint was filed by the plaintiff which was decided on 02.05.2022 and that even the zimni order dated 18.05.2022 would show that the address of defendant No.3 was incomplete and thus, fresh notice was again issued to defendant No.3 and on 16.07.2022, the said defendant No.3 was proceeded against ex parte and that on 23.08.2023, an application for setting aside the ex parte order dated 16.07.2022 was filed and on 26.04.2024, the said ex parte proceedings against defendant No.3 had been set aside. It has also been highlighted that a perusal of the zimni order dated 16.08.2022 would show that fresh notice was issued to defendant No.4 and it was only on 17.01.2023 that defendant No.4 was also proceeded against ex parte. Learned counsel for the petitioners has very fairly submitted that the issues in the present case were framed on 31.05.2024 and thereafter, on 23.07.2024, the plaintiff had tendered her examination-in-chief and the case is now fixed for 08.10.2024 for her cross-examination. It is submitted that one last opportunity be granted to the petitioners to file their written statement which they would file on or before 08.10.2024, which is the next date of hearing and for the inconvenience caused to respondent No.1/plaintiff, the petitioners are ready to adequately compensate her.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity be granted to the petitioners to file their written statement and thus, the impugned order dated 31.10.2023 is set aside to the extent that the defence of the petitioners has been struck



off and the petitioners are granted one last opportunity to file their written statement on or before 08.10.2024, which is stated to be the next date of hearing in the present case. The same would be subject to the petitioners depositing an amount of Rs.50,000/- on or before 18.10.2024 before the trial Court and the said amount would be disbursed by the trial Court to respondent No.1-plaintiff.

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

5. It is made clear that in case, the said written statement is not filed within the aforesaid period and the said amount is not deposited within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.

6. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

03.10.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No