

**CR-5624-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(378)****CR-5624-2024****Date of Decision: - 15.10.2024****Harvinder Singh****....Petitioner****Versus****Charanjit Kaur and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL****Present:-** Mr. Vikram Bajaj, Senior Panel Counsel, for the petitioner.

Mr. Yaseen Sethi, Advocate, for respondents No.1 and 2.

**********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 17.07.2024 passed by the Civil Judge (Junior Division), Ludhiana, whereby the defence of the petitioner/defendant No.2 has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the defence of the petitioner, who is defendant No.2, had been struck off and in the said order it had been stated that notice could not be issued to defendants No.1 and 3 as correct particulars and correct address was not filed and thus, fresh notice was issued to defendants No.1 and 3 and the case is now fixed for 29.10.2024 for appearance of defendants No.1 and 3 and thus, no effective hearing has taken place. It is prayed that one opportunity be granted to the petitioner to file the written statement and the impugned order to the said extent be set aside.

3. Learned counsel appearing for respondents No.1 and 2 has

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submitted that defendant No.2/petitioner had appeared on 12.02.2024 and thereafter, the matter was adjourned on four dates but the written statement was not filed. It is further submitted that in case, one last opportunity is to be granted to the petitioner to file the written statement, then, adequate cost should be paid to respondents No.1 and 2, who are plaintiffs in the case.

4. Keeping in view the above-said facts and circumstances, this Court is of the view that the petitioner should be granted one last opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 17.07.2024 (Annexure P-6) is set aside to the extent that defence of defendant No.2 has been struck off and the petitioner is granted one last opportunity to file the written statement on or before 29.10.2024, which is stated to be the next date of hearing before the trial Court and the same would be subject to the petitioner depositing the cost of Rs.10,000/- on or before 29.10.2024 and on depositing the said amount, the trial Court is directed to release the said amount of Rs.10,000/- to respondents No.1 and 2/plaintiffs in equal proportions i.e., Rs.5,000/- each.

5. It is made clear that in case, the written statement is not filed by the petitioner on or before 29.10.2024 and that the cost of Rs.10,000/- is not deposited by the said date, then, the present revision petition would be deemed to be dismissed.

October 15, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No