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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6586-2024

Date of decision: 12.11.2024

Jasbir Kaur

...Petitioner

Versus

Ravinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Komalpreet Kaur, Advocate for the petitioner.

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 03.09.2024 (Annexure P-3) passed by the Civil Judge (Junior Division), Ajnala, District Amritsar in Civil Suit No.CS-316-2022 dated 31.05.2022 titled as “Jasbir Kaur Vs. Ravinder Singh and others” whereby the defence of the petitioner in the counter claim has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, although there is some fault on the part of the petitioner in filing the reply to the counter claim but has highlighted that on two occasions, there was possibility of compromise in the case and the case was referred to the Mediation Centre. The first zimni order which has been highlighted is dated 29.05.2023 and second zimni order which has been highlighted is 15.04.2024. It is submitted that the petitioner had filed a suit and is very much interested in pursuing the case and also defending the counter claim and in case, one last opportunity is not granted to the petitioner to file reply to the counter claim, then she would suffer irreparable loss and has further stated that in case an opportunity is granted to the petitioner, she would file reply to the counter claim within a period of 15 days from today. It is also submitted that for the delay caused, the petitioner is ready to compensate



respondent Nos.3 to 7/defendant Nos.3 to 7 who are the contesting parties as respondent Nos.1 and 2 have already been proceeded against ex parte which fact is apparent from the order dated 03.09.2024.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity can be granted to the petitioner to file reply to the counter claim and accordingly, the present revision petition is partly allowed and the impugned order dated 03.09.2024 to the extent that defence of the petitioner in the counter claim has been struck off is set aside and the petitioner is granted one last opportunity to file reply to the counter claim within a period of 15 days from today and the same would be subject to the petitioner depositing costs of Rs.20,000/- within a period of 15 days from today. The trial Court would release the said costs of Rs.20,000/- to respondent Nos.3 to 7 in equal proportion i.e. Rs.4000/- each.

4. It is made clear that in case the reply to the counter claim is not filed within the aforesaid period and the abovesaid costs of Rs.20,000/- is not deposited within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. 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 the expenses for respondents to defend the present revision petition. However, it would be open to 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.

12.11.2024*Pawan***(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**
Whether reportable:- **Yes/No**