

**CR-6895-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(128)****CR-6895-2024****Date of Decision: - 27.11.2024****Balwinder Singh****....Petitioner****Versus****Isha and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Vikrant K. Vij, Advocate
for Mr. Tarun Singla, Advocate,
for the petitioner.

**********VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India against the impugned order dated 14.08.2024 (Annexure P-9) whereby the defence of the petitioner/defendant has been struck off.

2. Learned counsel for the petitioner has submitted that although the petitioner has not pursued the case very diligently, but has highlighted the order dated 04.03.2024 (Annexure P-6) to show that at one stage, there was a chance of compromise in the case and the matter was referred to the Mediation Centre and the report of the Mediation Centre was awaited for 07.05.2024. It is further submitted that the petitioner is the sole defendant in the present case and is a poor person and in case, one opportunity is not granted to the petitioner to file the

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written statement, then, irreparable loss would be caused to him. It is stated that the petitioner is ready to compensate the respondents-plaintiffs for the delay caused in the proceedings.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 14.08.2024 (Annexure P-9) is set aside to the extent that the defence of the petitioner/defendant has been struck off, with the following directions: -

- (i) Petitioner would deposit an amount of Rs.15,000/- within a period of two weeks from today before the trial Court and on him depositing the said amount, the same would be released to the plaintiffs/respondents in equal proportion, i.e., Rs.7,500/- each.
- (ii) In case the said amount is deposited by the petitioner, then, he would be permitted to file the written statement within the aforesaid period of two weeks.

5. It is made clear that in case, the petitioner does not deposit the cost of Rs.15,000/- and does not file the written statement within the aforesaid period of two weeks, the present revision petition would be deemed to have been dismissed.

6. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further

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delay the proceedings in the suit and would also entail expenses for respondents in order to defend the present petition. However, it would be open to respondents to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

November 27, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No