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

CR-6927-2024

Date of decision: 28.11.2024

Niranjan Singh

...Petitioner

Versus

Samantra @ Sumantra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Johan Kumar, 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 order dated 24.02.2023 (Annexure P-3) and order dated 19.10.2024 (Annexure P-6) passed by the Civil Judge (Junior Division), Faridabad whereby the defence of the petitioner/defendant No.2 has been struck off and application for review of order dated 24.02.2023 has been declined.

2. Learned counsel for the petitioner has submitted that in the present case, although, the petitioner has not followed up the case diligently but has highlighted the fact that the petitioner had filed an application under Order 7 Rule 11 CPC on 05.11.2020 and the same was decided on 13.09.2022 and vide order dated 13.09.2022, plaintiff-respondent No.1 was directed to pay the advalorem court fee and the plaintiff had then filed civil



revision challenging the said order before this Court in which operation of the said order was stayed on 17.10.2022 by a Coordinate Bench of this Court and the said revision petition was finally decided on 19.07.2023. It is submitted that the petitioner was under the impression that written statement is to be filed subsequent to the decision of the said case and thus, in view of the same, written statement was not filed. It is further submitted that in case opportunity is not granted to the petitioner to file his written statement then irreparable loss would be caused to him. It is also submitted that the case is now listed before the trial Court on 29.11.2024 but no evidence of the plaintiff has been examined as yet. It is submitted that for the delay and inconvenience caused, defendant No.2-petitioner is ready to pay an appropriate costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last opportunity on payment of adequate costs be granted to the petitioner to file his written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 24.02.2023 to the extent that the defence of the petitioner has been struck off, is set aside and even the order dated 19.10.2024 to the said extent is also set aside with the following directions:-

- a) The petitioner would deposit an amount of Rs.30,000/- within a period of one week from today before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the plaintiff/respondent No.1.
- b) In case of the said deposits having been made, the trial Court would give one last effective opportunity to the petitioner to file his written

statement within the aforesaid period of one week from today and in case of his doing so and on deposit of said costs, the said written statement would be taken on record and the trial Court would then proceed, in accordance with law.

- c) In case the said amount is not deposited or written statement is not filed within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

4. In the present case, no notice is being issued to the respondents as issuance of notice to the respondents 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.

28.11.2024
Pawan

(VIKAS BAHL)
JUDGE

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