

**CR-6891-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(125)****CR-6891-2024****Date of Decision: - 27.11.2024****Sandeep Kumar and another****....Petitioners****Versus****Jaswant Rai Balloh****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL****Present:- Mr. Tarun Singla, Advocate,
for the petitioners.************VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for quashing/setting aside the order dated 14.10.2024 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Bathinda, vide which the defence of the petitioners/defendants has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners had appeared on 09.07.2024, on which date the case was adjourned to 13.08.2024 and on 13.08.2024, since the Court was not holding, thus, the case was taken up on 09.08.2024 and was adjourned to 11.09.2024. It is submitted that on 11.09.2024 as well as on 14.10.2024, the petitioners did not file the written statement and thus, the right to file the written statement was closed. It is stated that the written

**CR-6891-2024****-2-**

statement has already been prepared by the petitioners and the same has been annexed as Annexure P-4 alongwith the present petition and has further submitted that in case, one last opportunity is not granted to the petitioners to file the written statement, then, they would suffer irreparable loss. It is stated that for the inconvenience caused to the respondent, the petitioners are ready to compensate the said respondent. It is further submitted that on 22.11.2024, no plaintiff witness was present and the case is adjourned to 04.12.2024 for recording the plaintiff evidence.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 14.10.2024 (Annexure P-3) is set aside to the extent that the defence of the petitioners/defendants has been struck off, with the following directions: -

- (i) Petitioners would deposit the costs of Rs.20,000/- on or before 04.12.2024 before the trial Court and on them depositing the said amount, the same would be released to the plaintiff/respondent.
- (ii) Petitioners are granted one opportunity to file the written statement on or before 04.12.2024 and in case of their doing so, the said written statement would be taken on record.

4. It is made clear that in case, the petitioners do not deposit

the cost of Rs.20,000/- on or before 04.12.2024 and do not file the written statement on the said date, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to respondent 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