



CR No.6966 of 2024

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

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CR No.6966 of 2024

Date of Decision: 02.12.2024

Geeta

..... Petitioner

Versus

Jawahar Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Surender Saini, Advocate for the petitioner.

VIKAS BAHL, J (ORAL)

1. This is a civil revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.08.2024 vide which the defence of the petitioner/defendant has been struck off.

2. Learned counsel for the petitioner has submitted that the petitioner is a widow lady and is not aware of the intricacies of law and although she did not act with full diligence but has highlighted the fact that in the present case, the plaintiff also took several dates to serve the present petitioner and the petitioner appeared through her counsel on 30.01.2024. It is further submitted that even status quo qua alienation has been ordered to be maintained by the Additional Civil Judge (Sr. Divn.), Sonapat, vide order dated 05.02.2024 and thus, no irreparable loss has been caused to the respondent on account of delay. It is further submitted that the case is now fixed for 28.02.2025 and no witness of the plaintiff has been examined till date. It is submitted that in case one last opportunity is not granted to the petitioner to file the written statement, then irreparable loss would be caused

to her and for the inconvenience caused to the respondent, the petitioner is

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ready to pay the adequate cost.

3. Keeping in view the above facts and circumstances of the case, this Court is of the opinion that one last opportunity be granted to the petitioner to file the written statement and accordingly, the impugned order dated 09.08.2024 to the extent that defence of the petitioner has been ordered to be struck off, is set aside and the present petition is partly allowed with the following directions:-

(i) The petitioner would deposit an amount of Rs.12,000/- within a period of 15 days from today and the said amount would be released by the trial Court to the respondent-plaintiff.

(ii) The petitioner would file the written statement within the aforesaid period of 15 days from today. In case of the petitioner filing the written statement in the said period and depositing the amount, then the trial Court would take the written statement on record and proceed with the matter in accordance with law.

(iii) It is made clear that in case the amount is not deposited and the written statement is not filed in the stipulated period, then the present petition would be deemed to have been dismissed.

4. It would be relevant to note here that no notice is being issued in the present case to the respondent as issuance of notice would unnecessarily delay the proceedings and would also entail expenses for the respondent to defend the present petition. However, in case, any argument made by the petitioner as noticed hereinabove is factually incorrect, then it would be open to the respondent to move an application for recalling the present order.

02.12.2024*D.Bansal***(VIKAS BAHL)
JUDGE**