



CR-7202-2024

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

(129)

CR-7202-2024

Date of Decision: - 11.12.2024

Neelam @ Neelam Devi

....Petitioner

Versus

Sudha Mahajan

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.K. Choudhary, Advocate,
for the petitioner. (Through VC).

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 226/227 of the Constitution of India for setting aside the impugned order dated 17.02.2023 whereby the defence of the petitioner stands struck off and also the order dated 19.10.2024 whereby the application for setting aside the order dated 17.02.2023 has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner is a widow and vide order dated 05.01.2023, the interim order dated 06.06.2022 has already been made absolute against the petitioner and has further submitted that the observations made in the order dated 17.02.2023 to the effect that the cost has not been paid is not made out as no cost was imposed upon the petitioner. It is stated that the case was listed on 17.02.2023 when the impugned order was passed, however, on 16.02.2023 the father-in-law of

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daughter of the present petitioner i.e. Mohinder Singh has expired and the last rites of Mohinder Singh was being performed on 17.02.2023 and thus, on the said date the written statement could not be filed. It is further stated that the petitioner is the sole defendant in the matter and in case, the petitioner is not granted one last opportunity to file the written statement, then, irreparable loss would be caused to the petitioner. It is submitted that the evidence of the plaintiff has not started yet and the case is now listed for hearing on 16.12.2024. It is further submitted that the petitioner would file the written statement by 16.12.2024 and for the delay caused to the respondent-plaintiff, the petitioner is ready to compensate the said respondent.

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 17.02.2023 is set aside to the extent that the defence of the petitioner/defendant has been struck off and the petitioner is granted one last opportunity to file the written statement on or before 16.12.2024 and the same would be subject to the petitioner would deposit the costs of Rs.15,000/- on or before 16.12.2024 before the trial Court and on her depositing the said amount, the same would be released to the plaintiff/respondent.

4. It is made clear that in case, the petitioner does not deposit the cost of Rs.15,000/- on or before 16.12.2024 and does not file the

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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.

December 11, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No