



CR-7346-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7346-2024

Date of decision : 17.12.2024

Amit

... Petitioner

Versus

Ajeet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ivneet Singh Pabla, 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 impugned order dated 01.03.2024 (Annexure P-8) passed by the Civil Judge (Jr.Div.), Bahadurgarh, vide which the defence of the petitioner-defendant has been struck off.

2. Learned counsel for the petitioner has highlighted the fact that although the trial Court had granted sufficient opportunities to the petitioner to file the written statement but on 16.02.2024, the uncle of the petitioner had died and ceremonies regarding the same were performed on 01.03.2024, on which date the impugned order striking off the defence of the petitioner had been passed. It is submitted that an application (Annexure P-9) for setting aside the order dated 01.03.2024 was filed regarding which the counsel for the plaintiff had given no objection subject to heavy costs. It is

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submitted that the said application was dismissed on the ground that the same was not maintainable vide order dated 13.11.2024 and thus, the petitioner has filed the present revision petition. It is further submitted that no evidence of the plaintiff has been led and the case is fixed for 16.01.2025 and the petitioner would file the written statement on or before 16.01.2025 and for the delay caused in the proceedings, the petitioner is ready to pay reasonable costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one opportunity is to be granted to the petitioner to file the written statement and accordingly, the present revision petition is partly allowed and the order dated 01.03.2024 to the effect that the defence of the petitioner has been struck off, is set aside with the following observations/directions:-

- i) The petitioner would be granted one opportunity to file written statement, which should be filed positively on or before 16.01.2025.
- ii) The petitioner would deposit an amount of Rs.30,000/- on or before 16.01.2025 before the trial Court and the trial Court would release the said amount to the respondent-plaintiff.
- iii) It is made clear that in case the petitioner does not deposit the above cost of Rs.30,000/- before the trial Court and does not file the written statement on or before 16.01.2025, then the present petition would be deemed to have been dismissed.



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4. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent to move an application for recalling the present order in case any of the statement made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

December 17, 2024.
Davinder Kumar

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