



CR No.7395 of 2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR No.7395 of 2024
Date of Decision: 18.12.2024

Harpreet Singh

..... Petitioner

Versus

Karamjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Jagpal, 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 26.11.2024 (Annexure P-11) passed by the Additional Civil Judge (Sr. Divn.), SAS Nagar, vide which the defence of the petitioner/defendant has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had put in appearance on 23.08.2024 and the defence of the petitioner has been struck off on 26.11.2024. It is submitted that the petitioner is doing dairy work in Kurukshetra and has to manage all the affairs of dairy himself and the petitioner was suffering from viral fever due to which he could not come to sign the written statement on 26.11.2024 and the intention of the petitioner was not to delay the proceedings and the written statement was already prepared. 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 him and for the inconvenience caused to the respondent/plaintiff, the petitioner is ready to pay the adequate cost.



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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/defendant to file the written statement and accordingly, the impugned order dated 26.11.2024 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.15,000/- within a period of one week 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 one week 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.

18.12.2024
D.Bansal

(VIKAS BAHL)
JUDGE