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

CR-551-2025

Date of decision: 29.01.2025

Haryana Sahari Vikas Pradhikaran through its Chief Administrator and another
...Petitioners

Versus

Irfan Ahmed and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Jaiswal, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.08.2022 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Panipat whereby the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners, who are the Government bodies, are the main contesting parties and has submitted that the evidence of respondent No.1-plaintiff is yet to start and the case is now fixed for 07.02.2025 for the evidence of the plaintiff. It is further submitted that a perusal of the order dated 17.03.2022 would show that there is interim order in favour of respondent No.1-plaintiff to the extent that defendant Nos.2 to 6 have been restrained from dispossessing respondent No.1-plaintiff and thus, on account of delay, no serious prejudice has been caused to respondent No.1-plaintiff. It is submitted that although the petitioners were represented by their counsel but their counsel never informed the fact that the defence of the petitioners has been struck off.



It is submitted that in the said circumstances, the petitioners be given one last opportunity to file their written statement and for the inconvenience caused to respondent No.1-plaintiff, the petitioners are ready to pay reasonable costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of adequate costs should be granted to the petitioners to file their written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 09.08.2022 to the extent that the defence of the petitioners has been struck off, is set aside and the petitioners are granted one last opportunity to file their written statement on or before 07.02.2025 which is stated to be the next date of hearing before the trial Court. Same would be subject to the petitioners depositing an amount of Rs.20,000/- on or before the said next date of hearing before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the plaintiff/respondent No.1.

4. It is made clear that in case the said amount is not deposited or written statement is not filed within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to respondent No.1/plaintiff as issuance of notice to him would further delay the proceedings and would also entail the expenses for him to defend the present revision petition. However, it would be open to respondent No.1/plaintiff to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

29.01.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**