



123

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

CR-398-2025

Date of decision: 23.01.2025

Seema

...Petitioner

Versus

Leela and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arshit Goel, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 31.05.2023 (Annexure P-6) passed by the Civil Judge (Junior Division), Pathankot in case bearing CS No.72 of 2022, instituted on 21.01.2022 titled as “Leela and another Vs. Shama and others”.

2. Learned counsel for the petitioner has submitted that the petitioner, after the receipt of notice in the civil suit filed for permanent injunction by respondent Nos.1 and 2, had engaged Mr. Jyoti Lal Bhim who was also the counsel for her brother-respondent No.3 and the said counsel had assured that he would take care of the case of both the petitioner as well as her brother and it was not necessary for the petitioner to come on each and every date for appearance and in case the presence of the petitioner was



required then, she would be informed in advance, as the petitioner is working as a Nurse at a hospital in Jalandhar. It is submitted that however the petitioner was surprised to learn that the proceedings had not been conducted in the best interest of the petitioner and even the written statement had not been filed by the said counsel. It is submitted that the petitioner had subsequently changed her counsel and has further submitted that in case the petitioner is not granted an opportunity to file her written statement then, irreparable loss would be caused to her and thus, prays that one last opportunity be granted to the petitioner to file the written statement. It is submitted that although, the impugned order was passed on 31.05.2023 but in spite of several dates, no evidence of the plaintiffs has been examined and the case is now listed for 31.01.2025. It is submitted that the petitioner would file her written statement on or before 31.01.2025 and for the inconvenience caused to respondent Nos.1 and 2/plaintiffs, the petitioner is also ready to pay adequate costs to them.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of adequate costs be granted to the petitioner to file her written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 31.05.2023 to the extent that the defence of the petitioner (defendant No.2) has been struck off, is set aside and the petitioner is granted one last opportunity to file her written statement on or before 31.01.2025 and the same would be subject to the petitioner depositing an amount of Rs.30,000/- as costs on or before 31.01.2025 before the trial Court and on her depositing the above said amount, the same would be released by the trial Court to



respondent Nos.1 and 2, who are the plaintiffs in the suit, in equal proportions (i.e. Rs.15,000/- each).

4. It is made clear that in case the said amount is not deposited or written statement is not filed on or before 31.01.2025 before the trial Court, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondents as issuance of notice to the respondents would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents 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.

23.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No