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

CR-568-2025

Date of decision: 29.01.2025

Ajay Khanna

...Petitioner

Versus

Anuradha Malhotra and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shantanu Bansal, 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 order dated 05.12.2024 (Annexure P-2) passed by the Civil Judge (Junior Division), Derabassi whereby the defence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that the case is now fixed for 01.02.2025 before the trial Court for filing the written statement by defendant No.2 and thus, the case is at the initial stage. It is submitted the petitioner is the main contesting party as the gift deed which is sought to be challenged is in favour of the present petitioner and in case, the petitioner is not permitted to file his written statement then irreparable loss would be caused to him and thus, submits that the petitioner be granted one last opportunity to file his written statement and for the inconvenience caused to respondent No.1-plaintiff, the petitioner is ready to pay an adequate cost.

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 petitioner to file his written statement. Accordingly, the



present revision petition is partly allowed and the impugned order dated 05.12.2024 to the extent that the defence of the petitioner has been struck off, is set aside and the petitioner is granted one last opportunity to file his written statement on or before 01.02.2025 which is the next date of hearing before the trial Court. The same would be subject to the petitioner depositing an amount of Rs.25,000/- on or before 01.02.2025 before the trial Court. On deposit of the said amount, the same would be released by the trial Court to respondent No.1/plaintiff.

4. It is made clear that in case the said amount is not deposited and the 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 her would further delay the proceedings and would also entail expenses for her 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**