



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(119) CR-655-2025(O&M)

Date of Decision:- 31.01.2025

Davinder Singh

.....Petitioner

Versus

Joginder Singh

.....Respondent

CORAM HON'BLE MR. JUSTICE VIKAS BAHL

Present Mr.Navraj Singh Mahal, 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 22.11.2024 (Annexure P-8) passed by the learned Additional Civil Judge (Senior Division), Dasuya in Civil Suit No.131 of 2024 titled as Joginder Singh V. Davinder Singh, whereby the defence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had appeared in person on 11.07.2024 and thereafter he had engaged a counsel, who had appeared on 28.08.2024 and that on 28.08.2024, the case was adjourned to 08.10.2024. As the Court was on leave on 08.10.2024, thus, the case was taken up on 11.10.2024 and thereafter, the case was adjourned to 06.11.2024 and on the same date, the matter was adjourned to 22.11.2024 and on 22.11.2024, the defence of the petitioner was struck off. It is submitted that the petitioner is the sole defendant and in case no opportunity is granted to the petitioner to file written statement, then irreparable loss would be caused to the petitioner and thus, the petitioner be given one last opportunity to file his written statement and for the inconvenience caused to respondent -plaintiff, 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 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 22.11.2024 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 within a period of 15 days from today by moving an application before the trial Court on or before 22.02.2025, which is stated to be the next date of hearing and the same would be subject to the petitioner depositing an amount of Rs.30,000/- on or before the said next date to the trial Court. On deposit of the said amount, the same would be released by the trial Court to the plaintiff/respondent.

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/plaintiff as issuance of notice to him would further delay the proceedings and would also entail expenses for him to defend the present revision petition. However, it would be open to the respondent / 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.

31.01.2025
mamta

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No

(VIKAS BAHL)
JUDGE