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

CR-1190-2025

Date of decision: 27.02.2025

Radhey Shyam

...Petitioner

Versus

Keshav Rai Dhanda and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kanwar Abhay Singh, 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 03.01.2025 (Annexure P-47) passed by the Civil Judge (Junior Division), Ludhiana whereby the defence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that although, there is a delay on the part of the petitioner but in the present case, the counsel has highlighted the fact that the petitioner had filed an application under Order 1 Rule 10 read with Section 151 of CPC for impleadment of defendant No.2 which was allowed on 18.10.2023 and thereafter the case was adjourned for service of said defendant No.2 and ultimately, on 29.11.2024, the said defendant No.2 was proceeded against ex-parte. It is submitted that the petitioner is the contesting defendant and in case an



opportunity is not granted to the petitioner to file his written statement then irreparable loss would be caused to him. It is also submitted that the case is now listed before the trial Court on 12.03.2025 and no evidence of the plaintiff has been examined as yet. It is submitted that for the delay and inconvenience caused, defendant No.1-petitioner is ready to pay an appropriate costs to respondent No.1/plaintiff. It is submitted that the petitioner should be given an opportunity to file his written statement on or before the next date before the trial Court.

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 his written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 03.01.2025 to the extent that the defence of the petitioner has been struck off, is set aside with the following observations/directions:-

- a) The petitioner would deposit an amount of Rs.25,000/- on or before 12.03.2025 which is stated to be the 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.
- b) The trial Court would give one last effective opportunity to the petitioner to file his written statement on or before the next date of hearing before the trial Court and in case of his doing so and on deposit of said costs, the said written statement would be taken on record and the trial Court would then proceed, in accordance with law.
- c) In case the said amount is not deposited or written statement is not



filed on or before the next date of hearing before the trial Court, then the present revision petition would be deemed to have been dismissed.

4. In the present case, no notice is being issued to respondent No.1 as issuance of notice to respondent No.1 would further delay the proceedings and would also entail the expenses for respondent No.1 to defend the present revision petition. However, it would be open to respondent No.1 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.

27.02.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No