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

CR-1662-2025

Date of decision: 20.03.2025

Wazeer Chand Kakkar

...Petitioner

Versus

M/s Kissan Hut Impex Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nirmaljeet Singh Sidhu, 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 01.02.2025 passed by the Civil Judge (Senior Division), Ludhiana 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 21.10.2024 and subsequently, on 02.12.2024, his counsel had moved an application under Order 11 Rule 14 CPC for production of documents. It is stated that on 21.01.2025, the counsel for the plaintiff/respondent had suffered a statement that the plaintiff was not in possession of agreement to sell and the original compromise as alleged in the plaint and accordingly, only photocopy of the agreement to sell was given to the counsel for the petitioner and the case was adjourned to 01.02.2025, on which date, the defence of the petitioner was struck off. It is submitted that the petitioner is sole defendant in the present case and in case, opportunity is not granted to the petitioner to file his written statement then irreparable loss would be caused to him. It is further submitted



that for the inconvenience caused to the respondent/plaintiff, the petitioner/defendant is ready to pay adequate costs to the respondent.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view 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 01.02.2025 to the extent that the defence of the petitioner has been struck off, is set aside subject to the petitioner depositing an amount of Rs.15,000/- within a period of one week from today and the petitioner is granted one last opportunity to file his written statement within a period of two weeks from today, by moving an application before the trial Court with a copy to the counsel appearing on behalf of the plaintiff-respondent before the trial Court. On deposit of the above said amount, the same would be released by the trial Court to the respondent-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 the respondent as issuance of notice to the respondent would further delay the proceedings and would also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent 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.

20.03.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No