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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(112)

CR-2071-2023

Date of Decision: - 29.01.2025

Ravina Khan @ Ravina Mahant and others

....Petitioners

Versus

Sheetal @ Mohammad Sheetal Saife Chela Heena @ Vidyarthi Rao
Chela Reshma and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Gupta, Advocate, for the petitioners.

Mr. Naveen Bawa, Advocate, for respondents No.1 and 2.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 23.03.2022 (Annexure P-4) passed by the Civil Judge (Junior Division), Ludhiana, in Contempt/Civil Misc. Application No.319 of 2021, under Order 39 Rule 2A CPC arising out of Civil Suit bearing No.CS/2306/2021 titled as 'Sheetal etc. Vs. Heena alias Vidyarthi etc., whereby the petitioners have been barred from filing the written statement.

2. On 10.04.2023, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Present: Mr. Aashish Gupta, Advocate for the petitioners.



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Learned counsel for the petitioners inter alia contends that the plaintiff-applicant had filed an application under Order 39 Rule 2A CPC against 11 persons. The present petitioners are original defendant Nos.3 to 7 and on being issued notice had put in appearance on 20.08.2021. Thereafter, the matter kept being adjourned for issuance of fresh notice to respondent Nos.6 and 8 to 11. Vide order dated 03.02.2022, the trial Court had directed the plaintiff-applicant to file copy of the plaint for service of respondent Nos.8 to 11 within 3 days and also to the appearing respondents to file reply to the petition on the next date of hearing i.e. 23.03.2022. Though, the plaintiff-applicant had not complied with that order, the Court passed an order barring the petitioners from filing written statement in this case. It is submitted that the written statement is ready with the petitioners and seek one opportunity for filing the same. The petitioners were under the notion that they could file the response on the next date as the plaintiff-applicant had not complied with the previous order and respondent Nos.8 to 11 were yet to be served. It is also pointed out that even after 5 more opportunities, the plaintiff-applicant has still not complied with the order on the basis of which the impugned order has been passed. Moreover, the said respondents were never served but have been illegally proceeded against ex parte vide order dated 09.12.2022. It is contended that the allegations against the petitioners are serious in nature and they deserve to be granted at least one more opportunity to file their response subject to costs to compensate the other side.

Notice of motion to plaintiff-applicant/respondent Nos.1 and 2 only at this stage, returnable for 04.07.2023.

Liberty is granted to additionally serve the said respondents through the counsel representing them before the trial Court.

Process dasti as well.

April 10, 2023”

3. Learned counsel appearing for respondents No.1 and 2 has submitted that the petitioners have unduly delayed the proceedings and even in case one opportunity is to be granted to the petitioners, then, the same should be the last opportunity and the same should also be subject



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to heavy costs.

4. Learned counsel for the petitioners in view of the objections raised by learned counsel for respondents No.1 and 2 has submitted that the petitioners would file the written statement on or before 20.02.2025 and would also deposit the costs of Rs.20,000/-.

5. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioners as well as on behalf of respondents No.1 and 2, this Court is of the opinion that the petitioners should be granted one opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 23.03.2022 (Annexure P-4) is set aside to the extent that the petitioners have been debarred from filing written statement and one last opportunity is granted to the petitioners to file the written statement on or before 20.02.2025 and the same would be subject to the petitioners depositing the costs of Rs.20,000/- on or before 20.02.2025, which would be released by the trial Court in favour of respondents No.1 and 2 in equal proportions i.e. Rs.10,000/- each.

6. It is made clear that in case, the petitioners do not deposit the cost of Rs.20,000/- on or before 20.02.2025 and do not file the written statement on the said date, the present revision petition would be deemed to have been dismissed.

January 29, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No