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

CR-2314-2025

Date of decision: 21.04.2025

Kewal Singh

...Petitioner

Versus

Jaswinder Singh (deceased) through his LR and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Sukhpreet Kaur, 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 03.03.2025 passed by the Additional Civil Judge (Senior Division), Sri Anandpur Sahib whereby the defence of the petitioner (defendant No.1) has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the counsel who was earlier engaged never informed about the fact that the last opportunity had been granted to file written statement and thus, the petitioner has changed the said counsel. It is submitted that in case the petitioner is not granted one last opportunity to file his written statement, then irreparable loss would be caused to him. It is further submitted that for the inconvenience caused to respondent No.1/plaintiff, the petitioner/defendant No.1 is ready to pay adequate costs to respondent No.1/plaintiff. It is further submitted that the evidence of the plaintiff has not been started as yet and the case is now listed for 04.07.2025 for the purpose of evidence of the plaintiff.



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 03.03.2025 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.40,000/- within a period of one month from today and the petitioner is granted one last opportunity to file his written statement within a period of one month from today, by moving an application before the trial Court with a copy to the counsel appearing on behalf of the plaintiff-respondent No.1 before the trial Court. On deposit of the above 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 or 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 as issuance of notice to respondent No.1 would further delay the proceedings and would also entail 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.

21.04.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**