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

CR-2750-2025

Date of decision: 06.05.2025

Prem Singh

...Petitioner

Versus

Krishan Chander and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Aditya Sharda, Advocate for
Mr. Deepak Kundu, 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 17.04.2025 (Annexure P-3) passed by the Civil Judge (Senior Division)-cum-Additional Chief Judicial Magistrate, Rohtak, vide which the defence of the petitioner/defendant No.7 has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner/defendant No.7 could not file his written statement on 17.04.2025 as he had gone out of station for a religious visit. It is submitted that on account of the said fact, he could not sign the written statement and the same could not be filed in spite of the fact that it was ready. It is further submitted that in the present case, there is slackness on the part of the petitioner also to file written statement. It is submitted that for the said purpose, defendant No.7-petitioner is ready to compensate respondent Nos.1 to 4 who are the plaintiffs in the suit. It is further submitted that in case opportunity is not granted to the petitioner to file his written statement then irreparable loss would be caused to



him and that the petitioner would file his written statement within a period of two weeks from today.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view 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 17.04.2025 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 two weeks 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. On deposit of the above said amount, the same would be released by the trial Court to respondent Nos.1 to 4-plaintiffs in equal proportion i.e. Rs.10,000/- each.

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 Nos.1 to 4 as issuance of notice to them would further delay the proceedings and would also entail expenses for respondent Nos.1 to 4 to defend the present revision petition. However, it would be open to respondent Nos.1 to 4 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.

06.05.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**