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

CR-2902-2025

Date of decision: 14.05.2025

Parminder Singh and another

...Petitioners

Versus

Gurinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kanwal Goyal, Advocate for the petitioners.

Ms. Jigyasa Tanwar, Advocate for the respondent.

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 07.03.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), SAS Nagar, whereby the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners are defendants in the suit and there is stay operating against the petitioners and in favour of the respondent-plaintiff and thus, delay in the proceedings would primarily prejudice the petitioners. It is further submitted that a perusal of the zimni order dated 29.08.2023 would show that at one stage, it was submitted by both the counsel that there were chances of compromise and thus the matter was referred to the



Lok Adalat. It is further submitted that in the present case, an FIR was registered against the petitioners by the respondent on 02.02.2023 and on account of the same, the petitioners could not properly pursue the civil suit and had applied for regular bail as well as anticipatory bail. It is submitted that in case one last opportunity is not granted to the petitioners to file their written statement then irreparable loss would be caused to them. It is further submitted that only examination-in-chief of PW1 has been led and no cross-examination of the said PW1 has taken place and has also submitted that the petitioners undertake to file their written statement within a period of 10 days from today.

3. Learned counsel for the respondent, on the other hand, has submitted that a perusal of the zimni orders would show that several dates have been taken by the petitioners and the written statement was not filed in spite of last opportunity having been given. It is submitted that in case one last opportunity is to be granted to the petitioners then heavy costs should be imposed. It is further submitted that PW1-Gurinder Singh is now a resident of Australia and is going back to Australia on 21.05.2025 and thus, evidence of PW1 should be completed before the said date.

4. Learned counsel for the petitioners, in response, has submitted that the petitioners would file their written statement on or before 17.05.2025 and in case PW1 comes on 19.05.2025, then the petitioners undertake to cross-examine the said PW1 on the said date.

5. 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 petitioners to file their written statement. Accordingly, the



present revision petition is partly allowed and the impugned order dated 07.03.2024, to the extent that the defence of the petitioners has been struck off, is set aside subject to the petitioners depositing an amount of Rs.30,000/- as costs on or before 17.05.2025 before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the respondent/plaintiff. The petitioners would file their written statement on or before 17.05.2025 by moving a separate application before the trial Court. The respondent would produce the said PW1 on 19.05.2025 and the petitioners would cross-examine the said PW1 on the said date and his cross-examination would be completed on the said date. The trial Court would also ensure that the cross-examination of PW1 is completed on the said date.

6. It would be open to the plaintiff to file replication within a period of 15 days from 17.05.2025, when the written statement would be filed by the petitioners. The fact that no replication is filed by the plaintiff would not come in the way of completing the evidence of the said PW1.

7. It is made clear that in case the said amount is not deposited or written statement is not filed within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

14.05.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**