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

CR-7534-2024

Date of decision: 07.01.2025

Estate Officer, Haryana Shehri Vikas Pradhikaran

...Petitioner

Versus

Suresh Kumar Gupta and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Mahajan, Advocate and
Mr. Kunal Soni, 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 01.05.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division) Panchkula striking off the defence of the petitioner on the ground of lapse of prescribed period.

2. Learned counsel for the petitioner has submitted that although the petitioner should have filed the written statement in earlier point of time but has submitted that no evidence of the plaintiff has been led and thus the case is at the initial stage. It is further submitted that respondent No.1-plaintiff had filed a writ petition bearing No.CWP-6358-2022 on the same cause of action and the petitioner was under the impression that till the time the said writ petition is pending, the suit would not proceed further. It is submitted that in case the petitioner is not granted an opportunity to file written statement then irreparable loss would be caused to the petitioner and



has further submitted that for the inconvenience caused to respondent No.1-plaintiff, the petitioner is ready to pay the adequate costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last opportunity on payment of adequate costs can be granted to the petitioner to file its written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 01.05.2024 is set aside and the petitioner is granted one last opportunity to file its written statement within a period of 15 days from today and the same would be subject to the petitioner depositing an amount of Rs.15,000/- within the aforesaid period, which amount would be released to respondent No.1-plaintiff by the trial Court.

4. It is made clear that in case the said amount is not deposited and 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-plaintiff as issuance of notice to him would further delay the proceedings and would also entail the expenses for respondent No.1-plaintiff to defend the present revision petition. However, it would be open to respondent No.1-plaintiff 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.

07.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No