

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****123****CR-2013-2024 (O&M)****Date of Decision : 06.02.2025**

Amit Jain

....Petitioner

VERSUS

Savita Jain

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ankush Verma, Advocate for the petitioner.

Mr. Naveen Sharma, Advocate for the respondent.

ALKA SARIN, J. (Oral)**CM-73-CII-2025**

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for preponing the date of hearing in the main case.

2. Learned counsel appearing on behalf of the respondent states that he has no objection if the present application is allowed and the date of hearing in the main petition is preponed.

3. For the reasons stated in the application, the same is allowed. With the consent of learned counsel for the parties, the main revision petition is taken on Board today itself.

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4. Present revision petition has been filed challenging the order dated 20.12.2023 whereby defense of the defendant-petitioner was struck off for not filing his written statement despite numerous opportunities having been given.

5. Learned counsel for the defendant-petitioner would contend that given one opportunity the defendant-petitioner would file his written

statement and is also willing to compensate the plaintiff-respondent by way of costs.

6. *Per contra* learned counsel for the plaintiff-respondent would contend that despite several opportunities the defendant-petitioner did not file his written statement and hence the defense has rightly been struck off.

7. Heard.

8. In the present case the suit is for declaration that the plaintiff-respondent and the defendant-petitioner are co-owners and in possession to the extent of equal shares in house bearing No.88 measuring 135 sq. yards fully described in the plaint on the basis of a registered Will dated 06.04.1998 as well as for permanent injunction. Keeping in view the nature of the suit, irreparable loss would be caused to the defendant-petitioner in case he is not permitted to defend the same. In order to do complete justice between the parties, the defendant-petitioner is granted one opportunity to file his written statement. He would file the same within a period of one week from today subject to payment of Rs.30,000/- as costs to be paid to the plaintiff-respondent. The payment of the costs would be a condition precedent. It is made clear that in case the defendant-petitioner fails to file his written statement within a period of one week from today, the present revision petition would be deemed to having been dismissed.

9. Present revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

06.02.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO