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

CR-512-2025

Date of decision: 28.01.2025

Dr. Shobhana Dube

...Petitioner

Versus

Saraswati Devi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pankaj Maini, 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 24.12.2024 (Annexure P-6) passed by the Civil Judge (Junior Division), Gurugram in Civil Suit No.858 of 2023 vide which the defence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that the petitioner is a lady residing in Lucknow and has submitted that the petitioner, on legal advise, had filed an application under Order VII Rule 11 CPC which was dismissed by the trial Court and thereafter, had filed a revision petition i.e., CR-6683-2024 which was finally dismissed on 16.01.2025 and till the said time, the petitioner was pursuing the said revision petition. It is further submitted that however, vide order dated 24.12.2024, the defence of the petitioner was struck off. It is submitted that in case the petitioner is not granted an opportunity to file the written statement then irreparable loss would be caused to the petitioner and thus, submits that the petitioner be granted one last opportunity to file the written statement and for the inconvenience caused to the respondents-plaintiffs, the petitioner is ready to pay adequate costs. It is



further submitted that the evidence of the plaintiffs-respondents has not started and the case is now fixed for 25.02.2025.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of adequate costs be granted to the petitioner to file her written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 24.12.2024 is set aside and the petitioner is granted one last opportunity to file her written statement within a period of 15 days from today by moving an application before the trial Court with a copy to the counsel appearing on behalf of respondents-plaintiffs before the trial Court. The same would be subject to the petitioner depositing an amount of Rs.35,000/- within a period of 15 days from today. On deposit of the said amount, the same would be released by the trial Court to the plaintiffs/respondent Nos.1 and 2 in equal proportions i.e., Rs.17,500/- each.

4. It is made clear that in case the said amount is not deposited and 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 the respondents as issuance of notice to the respondents would further delay the proceedings and would also entail expenses for respondents to defend the present revision petition. However, it would be open to the respondents 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.

28.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No