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

(130)

CR-2950-2025

Date of Decision: - 14.05.2025

Simbaljeet Singh @ Simbal Singh and another**....Petitioners****Versus****Harnek Singh and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Savreet Singh Brar, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.10.2024 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Faridkot whereby the defence of the present petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that there are four defendants, out of which, defendant No.2 is already ex-parte and defendant No.1 is alleged to have died civil death, which fact is apparent from zimni order dated 12.03.2025 and thus, in effect, the present petitioners, who are defendants No.3 and 4, are the only defendants. It is stated that till date no evidence of the plaintiff has been led and in



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case the petitioners are not granted an opportunity to file the written statement, then, irreparable loss would be caused to them. It is stated that for the inconvenience caused to respondent No.1, the petitioners are ready to pay appropriate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one last opportunity to file written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 21.10.2024 (Annexure P-1) is set aside to the extent that the defence of the petitioners has been struck off and the petitioners are granted one last opportunity to file the written statement within a period of 10 days from today by moving an application before the trial Court and the same would be subject to the petitioners depositing the cost of Rs.50,000/- and on their depositing the said amount, the same would be released by the trial Court to respondent No.1.

4. It is made clear that in case the written statement is not filed within a period of 10 days from today and the cost of Rs.50,000/- is not deposited by the petitioners within the said period, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to respondent No.1 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it would be open to respondent No.1 to move an application for recalling



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the present order, in case, any statement made before this Court is found to be false/incorrect.

May 14, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No