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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1429-2025

Date of decision: 10.03.2025

Palvir Singh

...Petitioner

Versus

Ravinder Singh Gill

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Karan Monga, Advocate and
Mr. Lovepreet Handa, 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 07.12.2024 passed by the Civil Judge (Junior Division), Ludhiana, vide which the defence evidence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had filed an application on 13.08.2024 under Order 11 Rule 14 CPC for production/inspection of documents which was allowed. It is submitted that written statement could not be filed and thereafter, on 07.12.2024, the defence of the petitioner was struck off and the case was adjourned to 19.12.2024 for the evidence of plaintiff but till date, no evidence of the plaintiff has been led and the case is now pending for 27.03.2025. It is submitted that in case the petitioner is not granted opportunity to file written statement then irreparable loss would be caused to him and for the inconvenience caused to the respondent, the petitioner is ready to pay costs.

3. On a pointed query raised by this Court, learned counsel for the petitioner has fairly submitted that he would have no objection in case the application filed by the respondent-plaintiff under Order 39 Rules 1 and 2 CPC is decided prior to the application filed by the petitioner under Order 1 Rule 10 CPC.



4. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of costs be granted to the petitioner to file his written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 07.12.2024 vide which the defence of the petitioner has been struck off is set aside to the said extent with the following observations/directions:-

- i) The petitioner would be given one last opportunity to file written statement along with reply to the application for stay within a period of 15 days from today by moving an application before the trial Court. Same would be subject to the petitioner depositing an amount of Rs.25,000/- within the aforesaid period which would be released by the trial Court to respondent-plaintiff.
- ii) 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.
- iii) It would be open to the trial Court to decide the application filed under Order 39 Rules 1 and 2 CPC prior to deciding the application filed under Order 1 Rule 10 CPC.

5. In the present case, no notice is being issued to the respondent as issuance of notice to the respondent would further delay the proceedings and would also entail the expenses for respondent to defend the present revision petition. However, it would be open to respondent 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.

10.03.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No