



CR-2090-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(117)

CR-2090-2025

Date of Decision: - 04.04.2025

Shakuntla and others

....Petitioners

Versus

Amit Sharma

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. D.S. Matya, 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 impugned order dated 20.09.2023 passed by the Civil Judge (Junior Division), Pataudi, Gurugram in Civil Suit bearing No.451 of 2020, vide which the defence of petitioners No.1 to 7 has been struck off.

2. Learned counsel for the petitioners has submitted that the petitioners would press the present revision petition for petitioners No.1 to 7 only as petitioner No.8 has been proceeded against ex-parte.

3. Ordered accordingly.

4. Learned counsel for the petitioners has submitted that the counsel for petitioners No.1 to 7 before the trial Court did not inform them about the proceedings and defence of petitioners No.1 to 7 has been

struck off and subsequently, petitioners No.1 to 7 have engaged a new counsel. It is further submitted that it is the said new counsel who had informed petitioners No.1 to 7 about the passing of the impugned order and in case they are not permitted to file written statement, then, irreparable loss would be caused to them. It is argued that the present suit had been filed by the plaintiff for compensation and damages for defamation and as per the prayer clause, an amount of Rs.5,00,000/- had been claimed on the said account. It is fairly submitted that there is a negligence on the part of petitioners No.1 to 7 and for the inconvenience caused to the respondent, the petitioners No.1 to 7 are ready to pay heavy costs of Rs.40,000/-.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that petitioners No.1 to 7 should be granted one last opportunity for filing the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 20.09.2023 is set aside to the extent that the defence of petitioners No.1 to 7 has been struck off and petitioners No.1 to 7 are granted one last opportunity to file their written statement within a period of 15 days from today and the same would be subject to petitioners No.1 to 7 depositing the cost of Rs.40,000/- and on their depositing the said amount, the same would be released by the trial Court to the respondents.

4. It is made clear that in case the written statement is not filed within a period of 15 days from today or that the cost of Rs.40,000/- is not deposited by petitioners No.1 to 7 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 the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

April 04, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No