



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

305

CR-7408-2023

Date of decision : 08.01.2025

Bakshish Chand and another**..... Petitioners****versus****Rakesh Kumar and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sherry K. Singla, Advocate
for the petitioners.

Mr. Rahul Garg, Advocate and
Mr. Naveen Batra, Advocate
for respondents No.3 to 4.

None for respondents No.1, 5 and 6.

PANKAJ JAIN, J. (Oral)

1. Instant revision petition is directed against order dated 15.07.2023 passed by Civil Judge (Senior Division), Nangal whereby the defence of the petitioners have been ordered to be struck off and order dated 07.11.2023, whereby application filed by the petitioners seeking modification of the order dated 15.07.2023 stands rejected.
2. Petitioners have been arraigned as defendants in a suit filed by respondents-plaintiffs seeking decree of declaration alongwith consequential relief of permanent possession. The petitioners failed to file written statement after availing as much as nine opportunities. It has been pleaded that there was a cogent reason for the petitioners for not filing written statement, as they were facing two criminal prosecution and were behind bars for majority of the period. It is on



that account that an application was filed seeking another opportunity, subject to payment of cost. However, the same has also not found favour with the Trial Court.

3. Keeping in view the reason assigned in the petition which is corroborated by the orders whereby the petitioners stand admitted to pre-arrest bail and regular bail, this Court finds that the petitioners have a cogent reason to offer with respect to non-filing of written statement as they were in fact legally disabled from pursuing the *lis* being behind bars.

4. In view of above, this Court finds that the petitioners deserve one opportunity to file written statement. In order to balance the equities and in terms of the offer made by the petitioners themselves, it is ordered that the opportunity to file written statement shall be subject to payment of Rs.10,000/- cost to be paid to the plaintiffs. Counsel for the petitioners submits that written statement is ready and shall be filed on the next date of hearing before the Trial Court i.e. 15.01.2025.

5. Permitted to do so, subject to the deposit of cost as ordered hereinabove.

6. Consequently, the present petition is disposed off.

(PANKAJ JAIN)
JUDGE

08.01.2025

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Whether speaking/reasoned : Yes

Whether Reportable : No