

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 2065 of 2015

Date of Decision: 30.04.2015

Smt. Bhateri

.....Petitioner

Vs.

Smt. Prem S. Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Verma, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 30.04.2007 and 14.11.2014.

I have heard learned counsel for the petitioner and have gone through the record, available on the file carefully.

Respondent No. 1 has filed suit against the performa respondents for declaration and permanent injunction.

On 30.04.2007, following order was passed by the trial Court:-

“Written statement not filed by defendant No. 2 despite last opportunity. Even conditional cost has not been paid despite demand. Therefore, opportunity of defendant No. 2 to file the written statement is closed under Section 35-B, CPC. Now case is adjourned to 15.10.2007 for presence of parties regarding admission and denial as well as for exercising option with regard to modes of settlement.”

Thereafter, petitioner moved an application dated 28.05.2014 (Annexure P-5) for recalling the order dated 30.04.2007.

The trial Court vide order dated 14.11.2014, rightly dismissed the application as the same had been moved after a long delay i.e. eight years. Even otherwise, petitioner had failed to file the written statement despite imposition of costs and had also failed to deposit the costs.

In these circumstances, the trial Court was left with no other alternative but to strike off the defence of the petitioner.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

April 30, 2015
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