

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

VARINDER SINGH
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Punjab & Haryana High Court at
Chandigarh

CR No. 2095 of 2015 (O&M)

Date of decision : 25.3.2015

Sohan Lal @ Tidi

.. Petitioner

versus

Kavi Kumar and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Gourav Jain, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 8.10.2012 (Annexure P-1) vide which the defence of the petitioner/defendant no. 2 was struck off on account of non-filing of written statement and the order dated 11.3.2015 (Annexure P-4), vide which the learned Court below opined that the petitioner/defendant no.2 has no right to lead evidence as his defence has already been struck off.

Learned counsel for the petitioner submitted that the order dated 8.10.2012 was not within the knowledge of the petitioner, hence, the same could not be challenged at that stage. Counsel for the petitioner at that time did not inform the petitioner about that order. Some evidence was led by the petitioner. It was at that stage on being pointed out by the plaintiff that the defence of the petitioner having already been struck off on account of non-filing of written statement, he is not entitled to lead any evidence that the petitioner came to know about the order and the same is being challenged now.

After hearing learned counsel for the petitioner, I do not find any merit in the submissions made. Once the order dated 8.10.2012 vide which the defence of the petitioner was struck off on account of non-filing of written statement was there, it was the duty of the petitioner to challenge that order within a reasonable time. The plea that the petitioner was not in the knowledge of the order and could not challenge it for a period of more than two years cannot be accepted. As the defence of the petitioner has

already been struck off, he is not entitled to lead any evidence. Hence, there is no illegality in the order dated 11.3.2015 passed by the learned court below striking off the evidence already led by the petitioner.

Dismissed.

25.3.2015
vs

(Rajesh Bindal)
Judge