

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

CR No.2510 of 2014 (O&M)

Date of decision: 30.07.2015

Surjit Singh

... Petitioner

versus

Gurdial Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Sukhrpreet Kaur, Advocate, for the respondent.

K.Kannan, J.

The statement which is directed to be filed while setting aside the ex-parte order against the defendant on 26.10.2012 was not filed on that day. The defense was struck off on 20.12.2012 for not filing the written statement and the petitioner filed an application on 21.12.2012 contending that the print out could not be taken for want of electricity. The Court declined to take the written statement on file.

I think the Court has needlessly adopted a tough approach where it ought to have allowed for the statement to be taken on record, especially, when it had set aside the ex-parte order and allowed for the contest on merits. The court could have imposed some cost against the petitioner if it was of the view that the petitioner was deliberately delaying

the proceedings. The suit is for specific performance. The petitioner shall pay Rs. 10,000/- cost to the plaintiff and the order is set aside and the statement is directed to be received and the Court will proceed with the trial in accordance with law.

The civil revision petition is allowed.

The Court shall ensure that the cost be paid before the trial commences.

(K.KANNAN)
JUDGE

30.07.2015

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