

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.529 of 2015

Date of decision: January 27, 2015.

DAYA NAND

... **Petitioner**

v.

MAHINDER AND ORS

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri Jitender Nara, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Counsel for defendant No.1, petitioner herein, impugning order dated 17.1.2015 vide which his defence has been struck off, inter-alia, urges that though he was ready with the written statement but the counsel had to leave Gurgaon for Sohna, he could not file the same in the absence of his counsel. It is claimed that the written statement is ready since then and he could file it on any date of hearing. It is urged that even the prescribed limit of 90 days is yet to expire on 7.2.2014.

Having heard Counsel for the petitioner and keeping in view the peculiar facts and circumstances of the case, however, without issuing any notice to the respondents in order to obviate delay, by setting aside the impugned order, this petition is disposed of with a direction to the trial court to afford an opportunity to the petitioner-defendant No.1 to file written statement as also reply to the application under Order I Rule 10 CPC, however, subject to payment of costs of Rs.10,000/- to be paid to the opposite party.

January 27, 2015.
kadyan

[Dr. Bharat Bhushan Parsoon]
Judge