

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

**Civil Revision No.5932 of 2015
Date of Decision: September 10, 2015**

Amrik Singh

.... Petitioner

vs.

Maharaja Land Developers Private Limited

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vijay Lath, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 24.09.2014 passed by learned Civil Judge (Sr. Divn.), Ropar, vide which the defence of defendant-petitioner was struck off on the ground that written statement was not filed within the statutory period of 90 days provided under Order VIII, Rule 1 CPC.

Learned counsel for the petitioner contends that a suit for possession by way of specific performance was filed by the plaintiff-respondent against the present petitioner.

Learned counsel for the petitioner has annexed the medical record of the present petitioner, stating that he is suffering from cancer and is under continuous treatment. Therefore, he could not contact his counsel. The copy of the written statement sought to be placed on the file is annexed as Annexure P-4. It is stated that

when the petitioner contacted his counsel, he was informed that his defence has been struck off. It was for this reason, the petitioner was late in approaching this Court in the present revision petition.

Keeping in view the nature of the suit and the medical condition of the petitioner and the circumstances explained in the petition, without issuing notice to the respondent, the petitioner is granted one more opportunity to file the written statement before the lower court, subject to payment of costs of ₹2,000/- towards District Legal Aid Funds, Rupnagar.

The revision petition is, accordingly, allowed.

September 10, 2015
sarita

(KULDIP SINGH)
JUDGE