

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

Civil Revision No.6427 of 2015

Date of decision: 29.09.2015

Jagga Ram

.....Petitioner

Versus

Harnam Das alias Harnam Singh

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Sahu, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 19.08.2015 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Ratia, whereby application filed by the plaintiff-respondent for striking off the defence of defendant-petitioner has been allowed.

Vide order dated 15.04.2015 (Annexure P-2) passed by the trial Court, the defendant-petitioner was granted time to file written statement as well as reply to stay application. Thereafter, the written statement and reply to stay application was filed by the petitioner on 04.05.2015, which was accepted by the trial Court. However, on 19.08.2015, the impugned order (Annexure P-1) was passed, whereby defence of the defendant-petitioner has been struck off on the ground that the written statement has been filed beyond the period permissible by the CPC.

Perusal of the impugned order shows that defendant-petitioner had appeared in Court, through counsel, on 14.11.2014 and thereafter, availed some opportunities to file the written statement. Consequently, the written statement was filed on 04.05.2015. Since, vide order dated 15.04.2015

(Annexure P-2) necessary permission had been granted to the petitioner to file written statement, which he had filed on the very next date i.e. 04.05.2015, there was no occasion for the trial Court to strike off the defence of the defendant-petitioner on 19.08.2015.

In view of the above, the present petition is allowed and the impugned order dated 19.08.2015 (Annexure P-1) is set aside.

29.09.2015
ajp

(RITU BAHRI)
JUDGE