

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

CR No.6778 of 2015

Date of Decision: October 13, 2015

Seema Gupta

.... Petitioner

vs.

Paramjit Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. G.S. Verma, 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 02.05.2015 (Annexure P-2) passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which the defence of the petitioner-defendant was struck off.

Learned counsel for the petitioner contends that the lower court has struck off the defence of petitioner for not filing the written statement within the statutory period.

The order of the lower court is reproduced as under:

“Costs not paid. The case was fixed for filing written statement by defendant. However, defendant has not filed the written statement. As such the defence is struck off the case is adjourned to 07.07.2015 for plaintiff evidence, if any this being as last opportunity.”

Learned counsel for the petitioner further contends that he may be granted one opportunity to file the written statement, as the petitioner wants to contest the suit.

In the interest of justice, the impugned order is set aside and the petitioner is granted one more opportunity to file the written statement, subject to payment of costs of ₹5,000/- towards District Legal Aid Funds, Ludhiana.

Accordingly, the present revision petition stands allowed.

Before parting with this order, it is observed that on the first date of evidence of the plaintiff, the lower court had granted last opportunity to the plaintiff, which is unwarranted in the given circumstances.

October 13, 2015
sarita

(KULDIP SINGH)
JUDGE