

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

CR No.1040 of 2014

Date of decision: 13.07.2016

Hakam Singh Giaspura

....Petitioner

Versus

Bimal Kumar and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. D.V. Sharma, Sr. Advocate, with
Mr. Sukhbir Singh, Advocate,
for the petitioner.

Ms. Monika Thakur, Advocate,
for respondent No.1.

Mr. Nikunj Dhawna, Advocate, for
Mr. Harsh Aggarwal, Advocate,
for respondents No. 3 to 11.

Paramjeet Singh Dhaliwal, J. (Oral)

The instant civil revision under Article 227 of the Constitution of India has been filed for quashing the impugned order dated 02.12.2013 (Annexure P-3) passed by the learned Civil Judge (Jr. Division), Ludhiana, whereby the defence of the petitioner has been struck off.

The case of the petitioner is that he was not a party in the suit but in the proceedings under Order 21 Rule 32 CPC, he was impleaded as a party. Be that as it may, the fact remains that the petitioner's right will be affected in case he is not afforded an opportunity of filing written statement. In the interest of justice, one opportunity is granted to the petitioner to file written statement. The

Court shall also provide one opportunity to the plaintiff to file replication and thereafter re-frame the issues, keeping in view the pleadings and taking into consideration the written statement, if any, filed by the petitioner.

Accordingly, the order dated 02.12.2013 passed by learned Civil Judge (Jr. Division), Ludhiana is set aside subject to costs of ₹ 2,000/-, to be deposited by the petitioner with the District Legal Services Authority, Ludhiana.

13.07.2016
PA

(Paramjeet Singh Dhaliwal)
Judge