

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

**C.R. No.217 of 2016
Date of Decision:-01.04.2016**

AMARJIT KAUR

....Petitioner(s)

vs.

RESHAM KAUR & OTHERS

....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE AJAY TEWARI

Present:- Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. M.S. Sachdev, Advocate,
for respondents No.1 and 2.

AJAY TEWARI, J. (Oral)

This revision has been filed against the order dated 23.7.2015
whereby the defence of the petitioner has been closed.

The petitioner appeared initially on 09.04.2015 before the trial
Court and sought time for filing reply.

The following order was passed thereafter on 12.5.2015:

“Written reply on behalf of respondent no.1 and 2 have
not been filed. On request case stands adjourned to 23.07.2015
for filing written reply, subject to last cost of Rs.200/- and last
opportunity.”

The following order was passed thereafter on 23.7.2015:

“Cost not paid. Written reply has again not filed
by respondent no. 1 and 2. As such defence of
respondent no. 1 and 2 is struck off. Now to come up on

27.08.2015 for petitioner evidence.”

On the third date, it is the case of the petitioner that she went to Court and was told that the matter was already adjourned. On the adjourned date, the petitioner reached there and filed her written statement and has drawn the attention of the Court to the following order wherein it is so recorded:

“Written statement has been filed by defendants. Same be placed in case file. No petitioner evidence is present. On request case stands adjourned to 06.10.2015 for petitioner evidence.”

However, later on, she was informed that her defence has been struck off and therefore her written statement could not be considered.

Counsel for the respondent has pointed out that actually neither the petitioner sought an extension after 30 days nor did she deposit the costs and in these circumstances, the order striking off her defence was justified.

Though there is no merit in the arguments made by the learned counsel for the petitioner, yet in the interest of justice, I do not deem it appropriate to dismiss this petition. In the circumstances, the petition is allowed but it is made clear that the petitioner would have to pay costs of ₹ 10,000/- to the respondent before she is directed to further participate in the trial.

Petition stands disposed of.

April 01, 2016
poonam

(AJAY TEWARI)
JUDGE