

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.233 of 2016

Date of Decision.14.01.2016

Raghubir Singh and another

.....Petitioner

Vs.

Gurdev Singh and others

.....Respondents

Present: Mr. Brijeshwar Singh Bhalla, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers 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?

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**K. KANNAN J. (ORAL)**

1. The defendant who has not filed the written statement was judicially admonished by the Presiding Officer to pay ₹1,000/- costs for being granted time for filing the written statement. Instead of paying the costs and availing to himself the benefit of filing the written statement, the party did not make the payment and waited for advice to prefer a revision against the order. He claims to have obtained greater wisdom in course of time not to challenge it in revision but in the meanwhile, the time granted already for filing the written statement and for payment of costs had expired and the Court had, therefore, set him ex parte and the defence was struck off. It is against the order of striking off the defence, the revision petition has been filed.

2. I would find the conduct of the petitioner to be wholly unworthy for a Court to extend a discretion but only in the interest of justice, I would afford such an opportunity to the petitioner if he pays

₹5000/- costs to the plaintiff within a period of two weeks from today and also present a written statement within a period of two weeks. The order already passed setting him ex parte and striking off the defence is ordered to be recalled and the Court will receive the written statement. If the costs is not paid and written statement is not presented within two weeks, the order already passed will stand confirmed and the Court will proceed with the trial. In the nature of order that has been passed, I do not think it is necessary to involve the plaintiff with notice and I dispense with notice to the respondent-plaintiff and proceed to pass the order as above.

3. The revision petition is disposed of.

(K. KANNAN)  
JUDGE

January 14, 2016  
Pankaj\*