

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

CR No.524 of 2016
Decided on: 04.03.2016

Harish Kumar @Hira

.... Petitioner

versus

Gurdev Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ajay Singla, Advocate
for the petitioner.

Mr.Sandeep Arora, Advocate
for the respondent.

Ajay Tewari, J.(Oral)

This is a petition quashing the impugned order dated 05.11.2015 passed by Civil Judge (Junior Division) District Jalandhar whereby the defence of the petitioner/respondent has been ordered to be struck off.

Learned counsel for the petitioner states that on the first date of hearing the case was adjourned for filing the written statement but on the adjourned date i.e. 27.07.2015 the written statement was not ready therefore the case was adjourned for 01.09.2015. On that date, the presiding officer was on leave, therefore, the matter was adjourned for 15.10.2015. On that date also, the presiding officer was again on leave and the case was ordered to be adjourned for 05.11.2015, which was unfortunately recorded by the petitioner as 16.11.2015 and that is why the petitioner could not file the written statement. He further submits that in case one more opportunity is granted to the petitioner, he will file the written statement on that very date and whatever prejudice has been caused to the respondent he is ready to compensate him with cost.

Learned counsel for the respondent is not in a position to deny the factual position.

In the circumstances, the revision petition is allowed and the petitioner is granted one last opportunity to file the written statement on the next date of hearing before the Court below subject to payment of costs of Rs.5000/- to be paid to the respondent.

March 04, 2016
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(AJAY TEWARI)
JUDGE