

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

CR No. 8724 of 2016(O&M)

Date of decision: 23.12.2016

Harjinder Singh @ Harinder SinghPetitioner

VERSUS

Jagpreet Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ranjit Saini, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 26.10.2016 passed by the Civil Judge (Junior Division), Dasuya whereby defence of the petitioner has been struck off for want of filing of written statement.

Counsel for the petitioner has submitted that the ex parte proceedings against the petitioner were set aside on 19.08.2016 subject to payment of costs of Rs.1,000/-. The costs were paid and accepted by the other side. The petitioner could not file the written statement on 13.09.2016 and 03.10.2016 and on the next date fixed i.e. 26.10.2016, the impugned order was passed.

Perusal of the impugned order as well as the order setting aside the ex parte proceedings makes it evident that the petitioner remained attending to proceedings of the case before he was proceeded against ex parte on 14.10.2014 and even availed several opportunities for filing written statement but failed to do so. After allowing application for setting aside the ex parte proceedings, the Court adjourned the case on 3/4

occasions and provided more than 75 days' time to file the written statement but the petitioner again failed to do so. There is no explanation much less tangible and satisfactory for failure of the petitioner to file the written statement on earlier occasion before he was proceeded against ex parte or even after the ex parte proceedings were set aside vide order dated 19.08.2016. The conduct of the petitioner speaks volumes that he is taking Court proceedings for a ride and is simply interested to delay the same.

Keeping in view the above, the petitioner has rendered himself disentitled to seek indulgence of this Court and accordingly the petition is dismissed.

DECEMBER 23, 2016

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no