

**In the High Court of Punjab and Haryana at Chandigarh**

**240**

**CR No. 1444 of 2017(O&M)  
Date of decision: 30.8.2017**

**AKASH BHARDWAJ**

**.....petitioner**

**Versus**

**NAVEDITTA DHAWAN**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr.Ravinder Rana, Advocate,  
for the petitioner.

Mr.R.S.Bajaj, Advocate  
for the respondent.

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**RAJ MOHAN SINGH, J (oral)**

Petitioner has assailed the orders dated 19.8.2015 and 21.10.2016 passed by Civil Judge (Jr.Divn.) Jalandhar, vide which defence of the defendant was struck off and thereafter application for recalling the order dated 19.8.2015 was also dismissed.

Petitioner-defendant appeared in the civil suit on 4.3.2015 and the case was adjourned to 4.4.2015 for filing written statement. Written statement was not filed and the case was further adjourned to 24.4.2015. Since the Presiding Officer was to avail leave on the adjourned date, therefore, the case was taken up on 22.4.2015 and was adjourned to 20.5.2015. On the adjourned date also, the Presiding Officer was to avail leave and, therefore, the case was taken up on 15.5.2017 and was adjourned to 23.7.2015. A perusal of the aforesaid two

orders would show that none appeared on both the occasions. On 23.7.2015, case was received by the transferee Court and on request of the defendant it was adjourned to 31.7.2015 and then to 19.8.2015 subject to payment of costs of ₹ 500/- to be deposited in District Legal Service Authority, but neither the cost was paid nor the written statement was filed on 19.8.2015 due to which the defence of the defendant was struck off. Issues were framed. Thereafter, an application was filed on the same day i.e. on 19.8.2015 along with an application for permission to deposit the cost. Both the applications were not entertained on merits by the trial Court and were dismissed.

Apparently, there was latch and omission on the part of the defendant in not filing the written statement in time. The written statement was filed along with the aforesaid two applications. The Court dismissed the same by observing that the filing of the applications were beyond the court time. Be that as it may, I intend to grant one more last opportunity for considering the written statement which was allegedly filed by the defendant on 19.8.2015 subject to payment of costs of ₹ 20,000/- to be paid to the plaintiff-respondent. Payment of costs shall be the condition precedent for granting aforesaid indulgence by the trial Court.

Petition stands disposed of accordingly.

**August 30, 2017**

**(RAJ MOHAN SINGH)  
JUDGE**

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**Whether reasoned/speaking**

**Yes/No**