

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

C.R. No.1543 of 2017

Date of Decision:-03.03.2017

Aggarwal College

...Petitioner

Versus

Om Parkash

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jagjot Singh, Advocate and
Mr. Kunal Dawar, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Petitioner-Aggarwal College, Ballabgarh has filed the present revision petition impugning the order dated 30.1.2007 passed by the Civil Judge (Junior Division), Faridabad, whereby for not filing the written statement in the case within a period of 90 days, their defence has been struck off.

Learned counsel for the petitioner has argued that in the case in hand the suit was filed on 28.7.2016 and pursuant to the notice issued to the petitioner, petitioner has put in appearance on 7.9.2016. The written statement could not be filed within a period of 90 days as provided in the CPC. As it being a matter of grant of Assured Career Promotion (ACP), sufficient record was required to be consulted. However, written statement

has been prepared and in order to substantiate the same, the same has been attached as Annexure P-3.

I have heard learned counsel for the petitioner.

The record reveals that the suit was filed on 28.7.2016 and petitioner had appeared on 7.9.2016. Though it was required to file written statement within 90 days w.e.f. 7.9.2016 but could not do so. Now, the petitioner has attached the copy of the written statement to substantiate the fact that the same is ready for filing in the Court.

Accordingly, the present petition is allowed and the order dated 30.1.2017 passed by the Civil Judge (Jr. Division), Faridabad is set aside. The same would be subject to payment of Rs.10,000/- as costs to be paid to the respondent-plaintiff.

The present order is being passed without issuing notice to the respondent-plaintiff for the reason that it may further delay the proceedings before the trial Court.

March 03, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No