

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

CR No.2243 of 2017(O&M)
Date of decision: 28.03.2017

Pawan Kumar

... Petitioner

Versus

Baljit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kewal Singh, Advocate for the petitioner.

ARUN PALLI J. (Oral)

Vide order being assailed dated 30.08.2016, rendered by Civil Judge (Jr. Divn.), Ludhiana, defence of the petitioner-defendant has since been struck off.

No doubt, the petitioner has been remiss in pursuing his cause, for he failed to file the written statement despite having been afforded three opportunities. But, it is equally true that in the event he is not granted one more opportunity to set up his defence, he shall not only suffer an incalculable loss, but that might also result in miscarriage of justice. That being so, and without issuing notice to the respondent, to avert any further delay and the expenses that he shall have to incur to defend these proceedings, the impugned order dated 30.08.2016 (Annexure P2) is set aside. And, the revision petition is disposed of in the following terms:

i) The petitioner shall be granted one effective opportunity to file his written statement on or before the date that shall be specified by the trial court in this regard;

ii) In the event of default, the defence of the petitioner shall be deemed to have been struck off and the matter shall not be adjourned at any cost; and

iii) This, however, shall be subject to payment of ₹ 10,000/- as costs that shall be condition precedent.

(Arun Palli)
Judge

March 28, 2017
Rajan