

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

104

Civil Revision No.2265 of 2017

Date of Decision:29.03.2017

Shiv Charan

....petitioner

Versus

Pritam Singh Korey

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Suveer Sheokhand, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

Vide order, that is being assailed, dated 23.11.2016, rendered by Civil Judge(Junior Division), Ludhiana, defence of the petitioner has since been struck off.

The petitioner was afforded three opportunities to file the written statement, after he had caused appearance on 29.08.2016, but to no avail. Thus, undoubtedly, the petitioner has been remiss in pursuing his cause. But the fact remains that if he is not afforded another opportunity to set forth his defence, he shall not only suffer an incalculable loss, but that might also result in miscarriage of justice.

Therefore, without issuing any 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 23.11.2016 is set aside, and, the revision petition is disposed of in the following terms:

1. The petitioner shall be afforded one effective opportunity to file his written statement on or before the date that shall be specified by the trial Court, in this regard.

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

3. This, however, is subject to payment of ₹ 5000/- as costs, which shall be condition precedent.

March 29, 2017

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No