

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

CR No.2446 of 2017

Date of decision: April 05, 2017

Puneet Aggarwal

....Petitioner

Versus

Ved Parkash and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raman Chawla, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside the impugned order dated 14th September, 2016 (Annexure P-1) passed by Civil Judge (Junior Division), Ludhiana whereby the defence of petitioner/defendant No.1 has been struck off.

The contention of learned counsel for the petitioner is that the defence of the petitioner/defendant has been struck off vide order dated 14th September, 2016 by observing that it was the last opportunity to the petitioner/defendant and further that cost has not been paid. However, the cost was paid on that date but it could not be reflected in the order due to some inadvertence or typographical mistake. An affidavit to this effect has also been given by Mr. Jaspreet Singh, Advocate who has been appearing on behalf of the petitioner/defendant before the trial Court. Subsequent thereto, an application was moved for setting aside of the order dated 14th September, 2016 but it was also dismissed observing that no such application is maintainable before the trial Court. However, the petitioner is ready to file written statement before the trial Court, in case, he is afforded

an opportunity in this regard.

Without commenting upon the various orders passed by learned trial Court and finding it proper and expedient, this Court is of the considered view that in the interest of justice, he is afforded an opportunity to file the written statement. Accordingly, impugned order dated 14th September, 2016 (Annexure P-1) is *set aside* and the trial Court is directed to afford an effective opportunity to the petitioner/defendant to file the written statement and then to proceed with the suit in accordance with law.

Since the impugned order has been passed in the absence of respondents, if they feel so aggrieved, they shall be at liberty to approach this Court.

April 05, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No