

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

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**CR No.3083 of 2017 (O&M)
Date of decision: 04.12.2017**

Santosh Kumar Tripathi

..... **Petitioner**

Versus

Sunita Prashar

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Petitioner in person.

None for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the order dated 16.03.2017 striking off the defence on account of non-filing of the written statement.

The petitioner has submitted that the defendant-petitioner had filed an application under Section 21 of the Code of Civil Procedure pointing out to the Court that the Court lacks territorial jurisdiction. He has submitted that the aforesaid application remained pending and it is on that account that the written statement to the main case was not filed.

Taking into consideration the facts as given out by the petitioner, this Court is of the opinion that the order passed by the learned trial Court is harsh. Defendant ought to have been given another opportunity to file written statement.

In view of the above, the order dated 16.03.2017 is set aside. Defendant-petitioner is granted one effective opportunity to file the written statement subject to payment of cost of Rs.5,000/-.

Revision petition is allowed.

**(ANIL KSHETARPAL)
JUDGE**

04.12.2017

Dinesh Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No