

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

CR No. 3478 of 2017

Date of decision : 15.05.2017

Harjinder Singh

....Petitioner

V/s

Gurmeet Kaur & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

RAJAN GUPTA J.

Challenge in the present revision petition is to order dated 20.03.2017 passed by court below whereby defence of the petitioner has been struck off on failure to file written statement despite opportunities. Learned counsel for the petitioner submits that written statement could not be filed due to circumstances beyond the control of defendant-petitioner. He submits that in case one opportunity is granted, same would be promptly filed.

Keeping in view facts and circumstances of the case, I am of the considered view that one opportunity needs to be granted to the petitioner to file his written statement. Impugned order is, thus set-aside. Trial court would grant one opportunity to the defendant to file his written statement. This court is conscious of the fact that revision petition is being disposed of without notice to the respondents. For that petitioner shall be liable to pay Rs. 7,000/- as costs to be remitted to the plaintiff-respondents.

Revision petition is allowed in these terms.

May 15, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No