

Civil Revision No.3768 of 2017 (O&M)

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

Civil Revision No.3768 of 2017 (O&M)

Date of decision: 10.07.2017

Dharamvir

.....Petitioner

versus

Anil Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vivek Goyal, Advocate,
for Mr. Karan Singh, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Challenge has been laid in instant revision petition under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure to the impugned order dated 27.01.2017 (Annexure P-5), whereby defence of the petitioner has been struck off by the trial Court.

Upon notice, petitioner appeared before the trial Court on 24.05.2016 through his counsel and the case was adjourned to 26.05.2016, the date on which the petitioner could not file his written statement. Consequently, on his request, the trial Court adjourned the case to 08.09.2016. Again on the said date, the petitioner did not file his written statement and sought further adjournment. Consequently, the case was adjourned to 27.01.2017 on which date, his defence was struck off on account of non-filing of written statement despite availing several opportunities.

Learned counsel for the petitioner has contended that on

27.01.2017, written statement could not be filed on behalf of the petitioner

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on account of noting down wrong date as 27.02.2017 instead of 27.01.2017 by his counsel.

Heard.

Since trial is at the initial stage, therefore, the impugned order is hereby set aside. Consequently, the petitioner is permitted to file his written statement before the trial Court positively within two weeks, subject to payment of costs of ₹ 20,000/-, out of which ₹ 10,000/- shall be paid to the respondent and remaining ₹ 10,000/- shall be deposited with the Haryana State Legal Services Authority.

Disposed of accordingly.

(Ramendra Jain)
Judge

July 10, 2017
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.