

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.3948 of 2017
DECIDED ON: May 31, 2017

JASJIT SINGH SANDHU

.....PETITIONER...

VERSUS

SIRBINEOUS KARKITA

....RESPONDENT...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. M.S. Viridi, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 12.01.2017 (Annexure P-1) whereby the defence of the petitioner-defendant was struck off as well as order dated 27.04.2017 (Annexure P-2) passed by Civil Judge (Junior Division) Patiala in Civil Suit No. CS1312 of 2016 whereby application moved by the petitioner-defendant for review of order dated 12.01.2017 has been dismissed.

2. No doubt, perusal of revision petition reveals that sufficient opportunities were already afforded to the petitioner-defendant to file written statement as per the provisions contained in the Civil Procedure Code, yet this Court is of the considered view that it would be desirable that the matter in controversy in between the parties be set at rest on merits and for that purpose

filing of the written statement is essential.

3. During the course of arguments, it has also emerged that written statement was filed by the petitioner-defendant along with the application seeking review of order dated 12.01.2017.

4. Without commenting with regard to the legality of impugned orders dated 12.01.2017 and 27.04.2017 but keeping in view the interest of the parties, the instant petition is disposed of with the direction to the trial court to take on record the written statement and reply to the stay application under Order 39 Rules 1 and 2 CPC already filed by the petitioner-defendant along with application for review of order dated 12.01.2017.

5. Since, this order has been passed in the absence of the respondent, if he feels so aggrieved of this order, he shall be at liberty to approach this Court.

May 31, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No