

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5190-2017

Date of Decision:- 08.08.2017

Makhan Singh

.....Petitioner

Versus

Gurjit Singh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for quashing of order dated 05.07.2016 (Annexure P-2) whereby defence of petitioner/defendant No.1 has been struck off along with order dated 06.07.2017 (Annexure P-4) vide which application moved by him for recalling the said order (Annexure P-2) has been dismissed.

Perusal of zimini orders shows that initially an application under Order 39 Rules 1 and 2 filed by the plaintiff was kept pending and service was to be effected upon defendant No.2. On 05.07.2016, defendant No.2 was proceeded ex-parte and defence of defendant No.1 was struck off on the first date itself.

After hearing the learned counsel for the petitioner, going through the above-said judgment, this Court of the considered view that petitioner/defendant No.1 was not given reasonable opportunities to file the written statement. Accordingly, the present revision petition filed by petitioner is hereby accepted and impugned orders dated 05.07.2016 (Annexures P-2) and dated 06.07.2017 (Annexure P-4) are hereby set aside. The trial Court is directed to grant one effective opportunity to petitioner-defendant No.1 to file the written statement and shall proceed with the matter thereafter in accordance with law.

August 08, 2017
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No