

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

CR No.6007 of 2017
Date of decision : 20.09.2017

Gurje Pal Singh

...Petitioner

Versus

Harwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.K. Khetarpal, Advocate for the petitioner.

Mr. Anterpreet Singh, Advocate for respondent No.1.

Mr. Preet Kawal Singh Gill, Advocate for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.1 is in revision petition against the order striking off the defence of the defendant No.1 as also the order passed dismissing the application for recall of the same.

I have heard learned counsel for the parties at length and with their able assistance gone through the record of the case.

Striking off the defence is a serious matter. The trial Court had struck off the defence on the ground that 90 days had elapsed, however, no written statement was filed. It is not in dispute that the case was being adjourned for consideration of the application filed under Order 7 Rule 11 CPC which was ultimately allowed and the plaint qua defendant No.4 was rejected, however, application filed by the defendant Nos.2 and 3 under

Order 7 Rule 11 CPC was dismissed.

Taking into consideration that the case was pending for consideration of the application under Order 7 Rule 11 CPC, the order passed by the trial Court is harsh.

Impugned orders i.e. 28.09.2016 and 02.08.2017 are set aside.

Defendant No.1 is given one opportunity to file his written statement on or before 28.09.2017 subject to the payment of costs of ₹5,000/-

In view of the above, the present revision petition is allowed.

20.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No