

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

CR No.610 of 2017(O&M)
Date of decision: 31.01.2017

Prince Mahajan

... Petitioner

Versus

Ashu Mahajan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Karanjit Singh, Advocate for the petitioner.

ARUN PALLI J. (Oral)

Vide order being assailed, dated 01.12.2016, rendered by Additional Civil Judge (Sr. Divn.), Batala, defence of the petitioner (defendant No.2) has since been struck off.

Ex facie, the petitioner was afforded numerous opportunities as also the last opportunity to file the written statement, but to no avail. Apparently, the petitioner has been remiss and negligent in pursuing his cause. However, it is equally true that in the event the petitioner is not afforded one more opportunity to file his written statement, he shall not only suffer incalculable loss, but that might result in miscarriage of justice.

That being so, and without issuing any formal notice to the respondent, to avert any further delay and the expenses that he shall have to incur to defend these proceedings, the order dated 01.12.2016, is set aside. And, the petition is disposed of in the following terms:

- i) The petitioner shall be afforded one opportunity to file the written statement, on a date that shall be fixed/specified by the trial court;

- ii) In the event of default, the defence of the petitioner shall be deemed to have been struck off and no further adjournment shall be granted; and
- iii) This, however, shall be subject to payment of costs of ₹ 5,000/-, which shall be condition precedent.

January 31, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO