

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

CR No.6526 of 2016

Date of decision: 03.10.2017

Harbans Singh

...Petitioner

Versus

Karam Singh

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Gupta, Advocate,
for the petitioner.

Mr. Vijay Lath, Advocate,
for the respondent.

Ritu Bahri, J.

Challenge in this petition is to the order dated 19.04.2016 passed by the Additional Civil Judge (Senior Division), Kharar, whereby defence of defendant-petitioner has been struck off.

A perusal of order dated 07.01.2016 (Annexure P-2), shows that plaintiff-respondent had raised no objection in allowing the application for setting aside of exparte proceedings. Accordingly, the said application was allowed subject to costs of Rs.2000/- and the case was adjourned to 24.02.2016 for filing of the written statement. On the next date, defendant had sought one more opportunity for filing of written statement. The case was adjourned to 19.04.2016 for filing written statement subject to costs of Rs.5000/-.

At the time of issuing notice of motion on 23.11.2016, learned

counsel for the petitioner had informed the Court that the costs, imposed by the trial Court, had already been deposited by the petitioner vide demand draft dated 10.10.2016.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide some time to the petitioner (defendant) to file his written statement.

In view of the above, impugned order dated 19.04.2016 is set aside and one effective opportunity is granted to defendant-petitioner to file his written statement before the trial Court on the date fixed i.e. 26.10.2017, subject to costs of ₹5,000/- to be paid to the plaintiff-respondent.

Allowed accordingly.

03.10.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No