

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

-.-

Civil Revision No. 6507 of 2017

Date of decision: 25.09.2017

Amandeep Singh

..... Petitioner

Versus

Punjab State Transmission Corporation Limited

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sharwan Sehgal, Advocate
for the petitioner

-.-

Rekha Mittal, J. (Oral)

The present petition directs challenge against order dated 19.07.2017 (Annexure P3) passed by the Civil Judge (Junior Division) Ludhiana whereby defence of the petitioner has been struck off for want of filing of written statement.

Counsel for the petitioner has submitted that the trial Court has made order striking off defence of the petitioner for want of filing of written statement within the statutory period. A serious prejudice shall be caused to the petitioner in case he is not allowed to file his response to suit for recovery of Rs.3,13,830.00 filed by the respondent - Corporation. Another submission made by counsel is that the petitioner has filed a counter claim against the respondent and the same is fixed for filing of reply/written statement by the respondent corporation. It is prayed that the petitioner may be allowed one opportunity to file the written statement to enable him to defend the proceedings in terms of principles of natural justice that nobody should be condemned unheard unless the party approaching the Court is guilty of concealment of material fact or his action is actuated by malice.

I have heard counsel for the petitioner and perused the paper book particularly the order impugned.

Counsel for the petitioner, in response to query raised by the Court, would inform that only an affidavit of one of the witnesses by way of examination-in-chief has been filed and the cross examination is yet to be conducted.

Taking into consideration the principles of natural justice as well as substantial justice, the petitioner is allowed one opportunity to file the written statement subject to the following conditions:-

- 1) The petitioner shall file the written statement within a period of one week;
- 2) A copy of the written statement shall be supplied to counsel opposite well in advance; and
- 3) The petitioner shall prepare a demand draft of Rs.5,000.00 in the name of respondent-Corporation and the same would be tendered in the trial Court along with the written statement.

Failure of the petitioner to comply with any of the conditions would entail dismissal of the petition.

Before parting with the order, it is clarified that the instant petition has been disposed of without notice to the respondent-corporation in order to avoid inconvenience and incurring expenditure by the respondent. However, if the respondent has any grievance to express, it shall be at liberty to file an appropriate application before this Court.

(Rekha Mittal)
Judge

25.09.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No