

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CIVIL REVISION No 8119 of 2016
DECIDED ON: MAY 18, 2017

SANJAY ASIWAL

.....PETITIONER

VERSUS

BHARAT SANCHAR NIGAM LIMITED

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Mor, Advocate
for the petitioner.

Mr. HPS Ghuman, Advocate
for the respondent.

JASPAL SINGH, J

By virtue of instant petition preferred under Article 227 of the Constitution of India, petitioner has sought the quashing of order dated February 24, 2014 (Annexure P-3) passed by learned trial Court whereby, petitioner's evidence has been closed by order on account of non-filing of written statement.

Undoubtedly, petitioner put his appearance before learned trial Court August 14, 2013 and sought time to file written statement, thereafter, sufficient time was availed by him but the written statement and reply was not filed by him. Finding no justification to grant another opportunity for this purpose, defence of the petitioner/defendant was struck off vide impugned order dated February 24, 2014. Though, there is no illegality in

the impugned order but to enable the petitioner to file written statement, so that the matter in controversy be set at rest on merits, this Court is of the considered view that impugned order deserves to be set aside. However, the opposite party can be compensated by way of cost.

Accordingly, instant revision petition is allowed and impugned order is set aside subject to payment of ₹5,000/- as cost, which shall be paid by the petitioner to the respondent. Since the matter has already been delayed, learned trial Court is directed to make its endeavour to dispose of the suit within a period of nine months from the date of receipt of certified copy of this order.

**JASPAL SINGH
JUDGE**

**MAY 18, 2017
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Whether speaking/reasoned ***Yes/No***

Whether reportable ***Yes/No***