

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

Civil Revision No. 854 of 2017

Date of decision:- March 14, 2017

DARPAN SHUKLA

...PETITIONER..

VERSUS

PRENEET CHATTHA AND OTHERS

...RESPONDENTS..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Aditya Shardha, Advocate,
for the petitioner.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Article 227 of the Constitution of India, the petitioner has sought setting aside of order dated 17.11.2016 passed by ld. Civil Judge (Senior Division), Chandigarh whereby defence of petitioner/defendant No.1 has been struck off.

2. The contention of learned counsel for the petitioner is that after the appearance of petitioner/defendant No.1 before the trial court, the matter was referred to District Mediation and Conciliation Centre. However, it did not materialize. Subsequent thereto, there was a marriage in the family and petitioner/defendant No.1 remained busy for making arrangements thereof. The written statement of petitioner/defendant No.1 is ready and in case, permission is granted to file the same, it can be filed on 17.03.2017 before the trial court for the evidence of respondent-plaintiff.

3. Though, there appears to be no reasonable ground for setting

aside impugned order but the justice demands that petitioner/defendant No.1 be afforded an opportunity to file written statement and to put up his defence, especially, in the circumstances that the suit is at its initial stage and co-defendants No. 2 and 3 are contesting it.

3. Thus, without expressing any opinion on merits, the instant petition is disposed of with the direction to the trial court to afford an effective opportunity to file the written statement by providing petitioner/defendant No.1 at least two weeks time.

March 14, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes/No