

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

-.-

Civil Revision No. 8556 of 2017

Date of decision: 07.12.2017

Nasreen Begum

..... Petitioner

Versus

Mohd. Ishaq

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sunil Kumar, Advocate
for the petitioner

-.-

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 23.08.2017 to the extent that the petitioner has not been permitted to file the written statement even though she has been allowed to join the proceedings at that stage by cross examining the witnesses and advance arguments.

Counsel for the petitioner has submitted that the petitioner caused appearance in person on 25.05.2016 but thereafter did not appear on the next date of hearing i.e. 08.07.2016 resulting in initiating ex-parte proceedings. It is further argued that a serious prejudice shall be caused to the petitioner in case she is not allowed to file the written statement.

Counsel for the petitioner, in response to a query, would inform that order dated 23.08.2017 has already been carried into effect as the petitioner has cross examined witnesses of the respondent and the case is

now fixed for arguments. As soon as the petitioner has conducted cross examination of the witnesses of the respondent without bringing on record her plea in defence, it is difficult to understand as to how non-filing of written statement would cause prejudice to right of the petitioner. Counsel for the petitioner has not made any submission to point out any error much less illegality in order dated 08.07.2016 whereby the petitioner was proceeded against ex parte as she failed to cause appearance either in person or through a counsel on that day despite having caused appearance in person on the previous date i.e. 25.05.2016. Counsel for the petitioner has also not prayed for permitting the petitioner to adduce evidence to counter case of the respondent/plaintiff. Under the circumstances, plea of the petitioner for permission to file the written statement is misconceived and liable to be rejected.

For the foregoing reasons, the petition is dismissed *in limine*.

(Rekha Mittal)
Judge

07.12.2017
mohan bimbira

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