

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

CrI. Misc. No.M-8937 of 2017 (O&M)

Date of Decision: 20.03.2017

Virat Dutta

..... Petitioner

Versus

Vandana and another

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Tarundeep Kumar, Advocate
for the petitioner.

LISA GILL, J.

Prayer in this petition is for setting aside the order dated 21.12.2016 whereby defence of the petitioner has been struck off on the ground that written statement was not filed by him within the stipulated time despite having availed a number of opportunities.

Learned counsel for the petitioner submits that the matter had infact been referred for mediation which was returned on 19.12.2016 itself. It is due to this reason that the written statement could not be filed by the petitioner. The petitioner has no intention to delay the proceedings in any manner. It is further submitted that the written statement is ready and in case this petition is allowed, the petitioner undertakes to file the same on 22.03.2017 i.e. date fixed before learned trial Court.

It is considered expedient to dispose of this petition without issuance of notice to the respondents as it will merely lead to unnecessary delay in the case. Keeping in view the facts and circumstances of the case,

the impugned order dated 21.12.2016 is set aside, subject to the petitioner depositing Rs.10,000/- as costs to be paid to the respondents on the next date of hearing fixed before the trial Court. The petitioner shall be permitted to file his written statement on 22.03.2017 along with costs as aforesaid. In case the written statement along the costs is not deposited by the petitioner on 22.03.2017, impugned order dated 21.12.2016 shall automatically become operative.

A copy of this order be supplied to the learned counsel for the petitioner under signatures of the Court Secretary.

20.03.2017
anju rani

[LISA GILL]
Judge

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