

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.1333 of 2018(O&M)

Date of Decision: 27.02.2018

Parmode Kumar

... Petitioner

Versus

Babu Ram Dubey & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Lokesh Vohra, Advocate,
for the petitioner.

RAMENDRA JAIN, J.(Oral)

Through the instant revision petition under Article 227 of the Constitution of India, petitioner-defendant No.2 has made prayer for setting aside order dated 06.04.2017 (Annexure P-2) of the trial Court, striking off his defence for not filing written statement despite availing several opportunities.

Learned counsel for the petitioner-defendant No.2 contends that the trial is at the initial stage, because as on date, the application under Order 7 Rule 11 CPC filed by respondent No.2-defendant No.1 has not yet been decided. Even issues have not been framed. Therefore, the petitioner may be allowed to file his written statement by setting aside the impugned order dated 06.04.2017, because the suit of respondent No.1-plaintiff is for recovery of exorbitant sum of ₹ 60,00, 000/-.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner, but without commenting on merits, in the interest of justice, the impugned order (Annexure P-2) is set aside and the petitioner is directed to file his written statement on or before 27.03.2018 i.e.

next date before the trial Court, subject to payment of costs of ₹10,000/-, 50%

of which shall be deposited with the Member Secretary, District Legal Services Authority, Ludhiana and the remaining shall be paid to respondent No.1.

It is made clear that in case of non-compliance of this order, the same shall be treated as cancelled and this petition would be deemed to have been dismissed in limine.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

27.02.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No