

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

**CR No.1725 of 2017
Date of Decision:28.03.2018**

Gurjot Singh @ Gurjyot Hunjan

...Petitioner

Versus

Daya Singh etc.

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Aakash Singla, Advocate for the petitioner.
Mr.R.K.Shukla, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.1-petitioner is in the revision petition against the order passed by the court dated 8.9.2016 (Annexure P-5) and order dated 3.2.2017, denying him the opportunity to file the written statement even after setting aside the ex parte proceedings on 8.9.2016.

In fact, there were two orders passed on 8.9.2016. In the detailed order, the trial court has set aside the ex parte proceedings subject to the payment of costs of Rs.800/-, whereas on the same date, in the daily order, it has been recorded that the defendant was directed to join the proceedings at this stage.

Learned counsel for the parties have informed the court that parties have concluded their evidence and defendant No.1 has appeared in the witness box and duly cross-examined

The only argument of the learned counsel for the petitioner is that the written statement of the petitioner is not being taken on record.

Counsel for the petitioner-defendant No.1 has undertaken that

he has already led his evidence and cross-examined all the witnesses and he does not need to lead any further evidence or cross-examine any witness of the plaintiff.

In view of the statement made, petitioner is granted one more opportunity to file the written statement. Written statement, if not filed, shall be filed within a period of 10 days from today irrespective of the fact that the order passed by this Court is available or not. If the written statement has been filed by the petitioner, it shall be deemed to have been filed and would be considered as part of the record.

Since the suit is pending for the last 5 ½ years, the trial court is requested to decide the suit within two months from the date of receipt of a certified copy of this order.

The Civil Revision petition is disposed of, accordingly.

28.03.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No