

In the High Court of Punjab and Haryana at Chandigarh

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Civil Revision No.2720 of 2018 (O&M)

.....

Date of decision:18.5.2018

Yadvinder Singh

.....Petitioner

v.

Shankar Lal Ahuja

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Bikramjit Singh Randhawa, Advocate for the petitioner.

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Inderjit Singh, J.

Yadvinder Singh-petitioner/defendant has filed this civil revision petition against Shankar Lal Ahuja-respondent/plaintiff under Article 227 of the Constitution of India for setting aside the impugned order dated 8.5.2017 (Annexure-P.1) and order dated 10.4.2018 (Annexure-P.5) passed by the learned Civil Judge (Junior Division), Patiala, whereby the defence of the petitioner-defendant has been struck off, illegally, arbitrarily and against the facts of the case.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Shankar Lal Ahuja-plaintiff filed suit for recovery of ₹4,00,000/-. As per the order dated 8.5.2017, learned Civil Judge (Junior Division), Patiala, observed that neither written

statement was filed nor costs was paid. Counsel for the defendant has availed sufficient opportunities for filing written statement, but has failed to file the same. It was the special last opportunity granted to the defendant for filing the written statement. More than 30 days have elapsed. Hence defence of defendant is struck off.

A perusal of the grounds as given in the petition shows that it is nowhere mentioned as to when the present petitioner appeared before the lower Court and how many opportunities he availed for filing the written statement. There is nothing in the petition that reasonable opportunities were not granted nor there is anything that the petitioner has paid the costs. It has also not been mentioned in the petition that as to why the costs was not paid. Further the suit is of October 2015 and this order has been passed on 8.5.2017. Nothing has been mentioned as to when the present petitioner-defendant appeared before the lower Court first time and why he could not file written statement. After the impugned order, the plaintiff was examined himself as PW-1 but he was not cross-examined by the defendant's counsel. Later on, the lower Court allowed the cross-examination of the plaintiff vide impugned order dated 8.1.2018. After that the defendant filed an application for allowing him to file written statement.

Keeping in view the facts and circumstances of the present case, I do not find any ground to grant the petitioner opportunity to file written statement at this stage. Rather, it looks from the facts and circumstances of the case that the present petitioner-defendant is interested only in delaying the proceedings. The impugned order dated 8.5.2017 (Annexure-P.1) and order dated 10.4.2018 (Annexure-P.5) passed by the

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learned Civil Judge (Junior Division), Patiala, are correct as per law and no illegality has been committed by the lower Court while passing the impugned orders which do not require any interference from this Court.

Therefore, finding no merit in this civil revision petition, the same is dismissed.

May 18, 2018.

(Inderjit Singh)
Judge

hsp

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