

CR No.2908 of 2018

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

CR No.2908 of 2018

Date of decision: 03.05.2018

Yash Pal Aggarwal

.....Petitioner

versus

Mohinder Pal Bhopal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vikas Bishnoi, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Article 227 of the Constitution of India, petitioner-defendant No.5 has prayed for setting aside order dated 21.03.2018 (Annexure P-1) of the trial Court, whereby his defence has been struck off for non-filing the written statement, despite seeking several opportunities.

Heard.

Suit before the trial Court is at the initial stage for filing of replication. Issues have not yet been framed.

Considering this aspect of the matter, but without commenting on the merits of the case, in the interest of justice, equity, good conscience and fairplay, impugned order is set aside. Petitioner-defendant No.5 is afforded single opportunity to file his written statement before the trial court on or before the next date, subject to costs of ₹10,000/- to be deposited with the Punjab State Legal Services Authority.

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

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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.

May 03, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.