

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

CR No.2957 of 2018
Date of decision : 04.05.2018

Partap Singh

...Petitioner

Versus

Lakhwinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in the revision petition against the order dated 16.02.2018 striking off his defence on the ground that the written statement has not been filed.

Learned counsel for the petitioner has submitted that the defendant-petitioner appeared before the Court on 31.08.2017 when the case was adjourned to 29.09.2017. On 29.09.2017, on the request made, the case was adjourned to 21.10.2017. On 21.10.2017, the Presiding Officer was on leave and, therefore, it was adjourned to 28.10.2017. On 28.10.2017, written statement could not be filed and the case was adjourned to 21.11.2017. On 21.11.2017, once again the Presiding Officer was on leave and the case was adjourned to 31.01.2018 which was again declared holiday and the case was taken up on 01.02.2018 and adjourned to 16.02.2018, on which date, the impugned order was passed.

Noticing the aforesaid orders, this Court is of the considered view that sufficient opportunities have been granted to the defendant-petitioner to file the written statement. It has been pleaded in the petition that the defendant-petitioner is a poor person and a suit for recovery has already been filed against him for recovery of ₹4,72,500/-.

Learned counsel for the petitioner submits that on given one opportunity, the written statement would be filed before the next date fixed before the trial Court.

Keeping in view the aforesaid prayer and also considering the fact that the parties should be granted opportunity to defend the case on merits, the present revision petition is allowed. The order under challenge is modified.

The defendant-petitioner is granted one opportunity to file the written statement. The written statement positively be filed before the next date i.e. 30.05.2018 before the trial Court. Such opportunity shall be subject to the payment of costs of ₹2000/-.

Since, this revision petition has been allowed without issuing notice, the respondent would be at liberty to move an application for recall of the same, if he feels aggrieved.

04.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No