

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 3162 of 2017 (O/M)

Date of decision : 9.1.2018

Sunita Rani

..... Petitioner

Versus

Smt. Suman Joshi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Aalok Jagga, Advocate, for the petitioner.
Mr. Vivek K. Thakur, Advocate, for respondent No. 1.
Mr. G.S. Brar, Advocate, for Mr. Rajinder Singh,
learned Civil Judge (Junior Division), Ludhiana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Petitioner is aggrieved of the order dated 7.3.2017 (Annexure-P-4) and order dated 6.4.2017 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Ludhiana, vide which another opportunity was granted to defendant No. 2 to file written statement, allegedly in contravention of order dated 15.2.2017 (Annexure-P-3), passed by a coordinate bench of this Court in CR No. 6816 of 2016.

Heard.

The order passed by a coordinate bench of this Court on 15.2.2017 (Annexure-P-3) shows that defendant No. 2 had approached this Court by way of filing CR No. 6816 of 2016 against the order dated 1.7.2016, passed by learned Civil Judge (Junior Division), Ludhiana, whereby her defence was struck off. The coordinate bench of this Court, vide order dated 15.2.2017 (Annexure-P-3), passed in CR No. 6816 of 2016, set aside the said order and directed the trial Court to afford one more opportunity to the petitioner to file written statement, subject to cost of Rs. 20,000/-, to be paid to the opposite party.

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From the interim order dated 20.2.2017, passed by the learned Civil Judge (Junior Division), Ludhiana, it comes out that probably the order dated 15.2.2017 (Annexure-P-3), passed by a coordinate bench of this Court in CR No. 6816 of 2016, was not brought to the notice of the learned Civil Judge (Junior Division), Ludhiana. Therefore, he adjourned the case to 7.3.2017. When the copy of order dated 15.2.2017 (Annexure-P-3), passed by a coordinate bench of this Court in CR No. 6816 of 2016 was placed before the lower Court on that day, defendant No. 2 was not present and the case was adjourned for the later part of the day for filing written statement and for paying cost of Rs. 20,000/-. However, in the later part of the day, defendant No. 2 appeared. She sought time to file written statement and to pay cost. Accordingly, the case was adjourned to 6.4.2017, on which date the written statement was filed and the cost was tendered in Court, but same was not accepted by plaintiff.

I am of the view that there appears to be misunderstanding. The order dated 15.2.2017 (Annexure-P-3), passed by a coordinate bench of this Court in CR No. 6816 of 2016, shows that after the receipt of the order, the trial Court was directed to pass the order whereby one more opportunity was to be given to defendant No. 2 to file written statement and pay cost. Since the order was filed before the lower Court on 7.3.2017, therefore, the trial Court was justified in granting opportunity of filing written statement to defendant No. 2 and paying cost. Consequently, application of plaintiff for fixing the case for exparte arguments was rightly dismissed, vide order dated 6.4.2017 (Annexure-P-1), passed by learned Civil Judge (Junior Division), Ludhiana. There is no illegality or infirmity in the impugned order. Therefore, instant civil revision is dismissed. Contempt

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notice issued to Shri Rajinder Singh, learned Civil Judge (Junior Division),
Ludhiana, is also discharged.

(KULDIP SINGH)
JUDGE

9.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No