

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.326 of 2018

Date of Decision: 18.01.2018

Jaswinder Singh

... Petitioner

Versus

Ranjit Singh & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. H.P.S. Ghuman, Advocate,
for the petitioner.

RAMENDRA JAIN, J.(Oral)

Through the instant petition, the petitioner-defendant has laid challenge to the order dated 04.01.2018(Annexure P-1) of the trial Court striking off his defence for not filing written statement despite last opportunity and imposition of costs of ₹2,000/- on the earlier date.

Put pithily, after restoration of the suit by the First Appellate Court, the parties were directed to appear before the trial Court on 20.11.2017. However, the petitioner appeared on 07.12.2017 and prayed for an adjournment for filing written statement. Accordingly, the case was adjourned to 15.12.2017. On the said date, case was adjourned to 19.12.2017 for the same purpose, subject to the last opportunity. On 19.12.2017 also the petitioner instead of filing written statement, moved application for production of documents, which was dismissed by the trial Court observing that the same was filed just to delay the trial. The case was further adjourned to 04.01.2018 for filing written statement by the petitioner-defendant, subject to payment of ₹2,000/- as costs. On 04.01.2018, despite last opportunity and imposition of costs, the petitioner-defendant did not choose to file written

statement. Therefore, his defence was struck off.

Learned counsel submits that in the interest of justice a single opportunity may be granted to the petitioner for filing his written statement.

Considering overall circumstances and the fact that the petitioner-defendant was given only 28 days's time for filing his written statement before passing order dated 4.1.2018, therefore, the impugned order is set aside and the petitioner is directed to file his written statement on or before 5.2.2018, subject to payment of ₹2,000/- as costs imposed by the trial Court and ₹20,000/- imposed by this Court (totalling an amount of ₹22,000/-), to be deposited with the Member Secretary, District Legal Services Authority, Patiala.

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 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.

18.01.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No