

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

Civil Revision No.3325 of 2018

Date of decision: May 17, 2018

M/s Seth Motor Store

...Petitioner

Versus

M/s Shree Ganesh Oil Co

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jitender Singh Dadwal, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner M/s Seth Motor Store has filed this revision petition against respondent M/s Shree Ganesh Oil Co., under Article 227 of the Constitution of India for setting aside the order dated 20.03.2018 passed by learned Civil Judge (Junior Division), Ludhiana, vide which the defence of the petitioner-defendant has been struck off.

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

From the record, I find that in order dated 20.03.2018, learned Civil Judge (Jr. Divn.), Ludhiana, observed that case was fixed for filing written reply on behalf of the defendant and defendant has availed numerous opportunities but no written reply has been filed. Under these circumstances, the Court declined further adjournment and defence of the defendant was struck off.

The perusal of the petition filed by the present petitioner-defendant nowhere shows that as to when defendant appeared in the suit and how many opportunities were granted to him to file written statement. There is also no averment that reasonable opportunities were not granted to defendant-petitioner to file the written reply. Even, at the time of arguments, learned counsel for the petitioner failed to show that reasonable opportunities were not granted to the petitioner-defendant to file written statement.

The perusal of the record shows that suit filed by the plaintiff is only for recovery of ₹30,591/- and instead of filing the written statement, the defendant-petitioner was asking for adjournments.

Keeping in view above discussion, I do not find any ground for setting aside the impugned order. The impugned order dated 20.03.2018 passed by learned Civil Judge (Jr. Divn.), Ludhiana, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

As the main case is decided, therefore, civil misc. applications, if any, also stand disposed of.

May 17, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No