

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

Sr. No.119

C.R. No.3557 of 2018
Date of decision: 25.05.2018

Baldev Singh

....Petitioner

versus

Ranjit Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Avtar Singh Khinda, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition challenge is made to orders dated 22.09.2015 and 04.08.2017 passed by the Additional Civil Judge (Senior Division), Kapurthala. Through order dated 22.09.2015 defence of the petitioner has been struck off and through order dated 04.08.2017 an application to set aside order dated 22.09.2015 was rejected as not maintainable.

It is not disputed that the petitioner and respondents No.4 and 5, who were the defendants in the suit filed by the respondents, in response to the notice issued, put in appearance on 02.07.2014. Thereafter, they were granted several opportunities to file their written statement which they did not avail of. That being so, through order dated 22.09.2015 their defence was struck off. Thereafter, the petitioner continued to appear in the suit for the next 14 dates during which time the evidence of the respondents-plaintiffs was recorded. In February 2017, the petitioner woke up to file an

application before the same Court which had struck off his defence, for setting aside the aforesaid order dated 22.09.2015. The application was dismissed being not maintainable as also on the ground of estoppel and delay.

The aforesaid facts speak for themselves and show how casually the petitioner has taken the Court proceedings. At the initial stage, he was granted several opportunities to file written statement which he did not avail of. After his defence had been struck off, he continued to appear before the trial court on 14 dates. During this time, neither did the petitioner challenge the order striking of his defence before this Court through a revision petition nor objected to the proceedings before the trial court in which the respondents-plaintiffs continued to lead their evidence. Only in February 2017, the petitioner filed an application before the same Court which had struck off his defence to review its earlier order. This application was rightly dismissed being not maintainable and on the ground of delay as also estoppel.

In view of the above, there is no ground to interfere in the impugned orders. Accordingly, the present petition is dismissed.

(DEEPAK SIBAL)
JUDGE

May 25, 2018
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No