

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 372 of 2018 (O/M)

Date of decision : 2.2.2018

Kulwant Singh

..... Petitioner

Versus

P.N. Ramanan and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Alisha Soni, Advocate, for petitioner.

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 ?

-. -

-. -

KULDIP SINGH J. (ORAL)

CM-2100-CII-2018

Documents (Annexure-P-1 Colly.) are taken on record.

Application is disposed of.

Main case

Impugned in present revision is the order dated 19.12.2016 (Annexure-P-3), passed by learned Civil Judge (Senior Division), Ludhiana, vide which defence of petitioner-defendant No. 1 was struck off for non filing of written statement.

Heard.

Present petitioner is defendant No. 1 before the lower Court. The perusal of entire zimni orders, passed by lower Court, shows that defendant No. 1-petitioner had put in appearance for the first time on 16.4.2013 when remaining respondents were yet to appear. He was required to file written statement within thirty days, as prescribed under Civil Procedure Code, 1908. Defendant No. 1-petitioner was directed to file written statement, which is also reflected in order dated 6.7.2013. Written statement was not filed within requisite period of 30 days, which could be

CR No. 372 of 2018 (O/M)

extended for sufficient reasons upto ninety days from the date of service of summons. However, it was on 22.11.2013, i.e. after more that seven months of appearance, an application under Order 7 Rule 11 CPC, 1908, was filed by defendant No. 1-petitioner. However, written statement was again not filed. Simultaneously, notice to respondents No. 2 to 5 was also ordered to be issued. Defendants No. 2 and 5 had appeared on 23.2.2015. The perusal of subsequent interim orders, among others, also show that defendant No. 1-petitioner did not file written statement though case was repeatedly adjourned for said purpose. In the meanwhile, simultaneous arguments on application filed under Order 7 Rule 11 CPC, 1908, were not addressed. The application filed under Order 7 Rule 11 CPC, 1908, was dismissed on 24.10.2016, when again written statement was not filed and case was adjourned to 11.11.2016 for filing written statement. Ultimately, vide impugned order dated 19.12.2016 (Annexure-P-3), passed by learned Civil Judge (Senior Division), Ludhiana, defence of defendants No. 1 and 4 was struck off.

I am of the view that defendant No. 1-petitioner had appeared for the first time on 16.4.2013 and did not file written statement for about 3 years and 8 months. This is much beyond the period of thirty days prescribed under CPC, 1908, which could be extended upto 90 days from the date of issue of summons. There has to be some end to adjournments. The way the case was lingered on for nearly 4 years for filing of pleadings only goes to show that defendants wanted to linger on the case on one or the other ground. It was only that when Court was compelled to pass a harsh order, such order was passed. There is no ground to interfere in the impugned order. Instant revision is dismissed, keeping in view the

CR No. 372 of 2018 (O/M)

fact that case has already now become 5 years old. The trial Court is directed to grant short adjournments and decide the case within 9 months from the date of receipt of certified copy of this order.

(KULDIP SINGH)
JUDGE

2.2.2018
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No