

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 109

CR-3865-2018

Date of decision : 24.08.2018

Bimla Devi

. Petitioner

VERSUS

Dinesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Krishan Singh, Advocate, for the petitioner.

Mr. Namit Khurana, Advocate, for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 19.03.2018, passed by the Civil Judge (Senior Division), Jagadhri (for short, the Trial Court) through which the defence of the petitioner has been struck off on the ground that there was inordinate delay on her part to file her written statement.

A perusal of the record reveals that in September, 2017 the respondent/plaintiff filed a suit seeking therein specific performance of agreement to sell dated 24.11.2015. On being put to notice the petitioner put in appearance before the Trial Court on 27.10.2017 but failed to file written statement till 19.03.2018 and on this ground, through the order impugned in the present petition, her defence was struck off.

Learned counsel for the petitioner submits that the petitioner is a 71 years old lady and therefore, due to her old age and illness she could not effectively communicate with her counsel, resulting in delay in the filing of her written statement. He further submits that subject to payment of costs to be assessed by this Court, the petitioner may be granted only one

opportunity to file written statement so that she is not precluded from putting forth her defence at the very threshold of the suit.

Learned counsel for the respondent submits that in order to avoid delay in his suit, he has no objection if the prayer made in the petition is allowed subject to, of course, requiring the petitioner to file her written statement in a time bound manner and payment of assessed costs.

So that the petitioner may not be precluded from putting forth her defence at the very threshold of the suit filed against her, after setting aside the impugned order, only one opportunity is granted to the petitioner to file her written statement. The same be filed within fifteen days from today. Such opportunity is granted to the petitioner subject to payment of ₹ 7,500/- as costs to be paid by her to the respondent.

The petition is allowed in the above terms.

24.08.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No