

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CR No.4550 of 2018
Date of decision: 20.07.2018

Surjit Singh

..... Petitioner

Versus

Jamail Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.5-petitioner is challenging the order passed by the learned trial Court dated 11.07.2016 and the order dated 11.05.2018 whereby his defence was struck off on the ground that within the mandatory period of 90 days, the petitioner-defendant has failed to file the written statement.

Learned counsel for the petitioner has pointed out that the case was fixed for service of defendants No.7, 10 and 12 as also for impleading legal heirs of defendant No.8. He submitted that the petitioner remained under impression that the written statement would be required to file once the service is complete.

Learned counsel for the petitioner has further submitted that the case is still at the stage of completion of service. Although, it is the duty of the defendant to file the written statement within the time prescribed, however, keeping in view the facts that the suit is still at the stage of

completion of service, this Court is of the considered view that no prejudice would be caused to the plaintiff if the petitioner-defendant No.5 is granted one opportunity to file the written statement.

Learned counsel for the petitioner has undertaken that the written statement shall be filed on the next date of hearing.

In view thereof, the petitioner is granted one opportunity to file the written statement which shall be subject to the payment of cost of Rs.5,000/- payable to the plaintiff.

Since this order has been passed without issuing notice, the plaintiff would be at liberty to move an application for recall, if he feels aggrieved of the order.

Revision petition is allowed.

20.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No