

CR-4884-2018

Date of Decision: 01.08.2018

Pal Singh

.....Petitioner

Versus

Baljt Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Mr. Baljinder Singh Ichhewal, Advocate
for the petitioner.**DEEPAK SIBAL, J. (ORAL)**

Through the present petition, challenge is made to the order dated 20.04.2018 passed by the Civil Judge (Junior Division), Nabha, through which the defence of the petitioner has been struck off on the ground that in spite of grant of adequate opportunities, no written statement was filed on his behalf.

Learned counsel for the petitioner submitted that the petitioner is a senior citizen and is suffering from several ailments including diabetes and therefore, could not file his written statement in time.

In the facts of the present case, in line with the principles of natural justice; for the reason that the suit in which the petitioner is a defendant is at the very initial stage and that at that stage itself the petitioner may not be precluded from putting up his basic defence, this Court is of the view that the ends of justice would be served if subject to payment of costs, he be granted only one opportunity to bring his written statement on record.

In view of the above, subject to payment of Rs.15,000/- as costs, the petitioner is permitted to file his written statement within ten days.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

01.08.2018

Neha

Whether Speaking/Reportable : Yes/No

Whether Reportable : Yes/No