

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

CR No. 5928 of 2018
Date of Decision: 27.09.2018

Roop Singh

.....Petitioner

Versus

Baljeet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.K. Yadav, Advocate
for the petitioner.

Mr. Vishal Yadav, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 18.05.2018, passed by the Civil Judge (Junior Division), Rewari (for short, the Trial Court), through which for non-filing of written statement, the petitioner's defence has been struck off.

Learned counsel for the petitioner submits that four opportunities were granted to the petitioner/defendant to file his written statement. On the first three dates for want of complete documents, an effective written statement could not be prepared and filed by the petitioner and on the fourth date i.e. 18.05.2018 though the written statement was ready but the same could not be filed as the members of the Bar were abstaining from work. He prays for grant of only one opportunity to file written statement, subject to payment of reasonable costs as assessed by this Court.

Learned counsel for the respondent submits that to prevent

further delay in the trial and subject to payment of costs to the respondent, learned counsel for the petitioner may be granted only one opportunity to file his written statement.

In view of the above and in line with the principles of natural justice as also not to preclude the petitioner to put forth his defence at the initial stage of the trial subject to payment of ₹10,000/- as costs to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one week to file his written statement.

The present petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

27.09.2018
sandeep

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