

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

CR No. 6032 of 2018
Date of Decision: 11.09.2018

Jatinder Kumar

.....Petitioner

Versus

Charanjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sunil Kumar Sharma, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 09.04.2018 passed by the Civil Judge (Senior Division), Jalandhar (for short, the Trial Court) through which defence of the petitioner has been struck off as the petitioner failed to file his written statement in spite of grant of six opportunities for the purpose.

Learned counsel for the petitioner submits that the petitioner could not file his written statement in time on account of the fact that his mother Mrs. Sarabjit Kaur was and is suffering from cancer of the colon and that even today she is under going treatment in PGIMER, Chandigarh,

After perusing the record, particularly the medical record which has been annexed with the petition, it is revealed that the mother of the petitioner is suffering from cancer of the colon and is also, till date, receiving treatment from different hospitals including PGIMER, Chandigarh.

In view of the above, as also in line with the principles of

natural justice and for the reason that at the very initial stage of the suit, the petitioner may not be precluded from raising his defence, after setting aside the impugned order dated 09.04.2018, the petitioner is granted one opportunity to file his written statement before the Trial Court. The same shall be filed within one week from today and such opportunity is granted, subject to payment of costs of ₹10,000/- to be paid to the respondents.

The present petition is allowed in the above terms.

If the respondents are aggrieved by passing of this order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

11.09.2018
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No