

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 126

CR-6151-2018

Date of decision : 13.09.2018

Surjivan Singh

..... Petitioner

VERSUS

Bimla Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajeev Dev Sharma, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 22.01.2018, passed by the Civil Judge (Junior Division), Pathankot (for short, the Trial Court), through which the petitioner's defence has been struck off for having not filed his written statement even after grant of three effective opportunities.

Learned counsel for the petitioner submits that the petitioner could not file his written statement in time due to lack of communication between him and his counsel. Subject to imposition of reasonable costs he prays for the grant of one effective opportunity to file his written statement.

A perusal of the record reveals that the petitioner, who is defendant No. 2 in the suit filed by respondents No. 1 to 3 had appeared before the Trial Court for the first time on 16.08.2017. Thereafter, he was granted three effective opportunities for filing his written statement but to no avail, leading to the passing of the impugned order striking off his defence.

Without opining on the reasons supplied by the petitioner for having not filed his written statement in time but in line with the principles of natural justice as also not to preclude the petitioner from raising his

defence at the very initial stage of the trial, after setting aside the impugned order, subject to payment ₹25,000/- as costs to be paid to respondents No. 1 to 3, the petitioner is granted one week's time from today to file his written statement.

The present petition is allowed in the above terms.

If respondents No. 1 to 3 are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

13.09.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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