

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

CR-6621-2018 (O&M)
Date of decision: 11.10.2018

Daler Singh & anr.

.... Petitioners

Versus

Jagmail Kaur & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: None.

B.S.Walia, J.(Oral)

1. The case has been called twice but none has put in appearance on behalf of the petitioners.

2. Challenge in the revision petition is to order dated 31.05.2018 (Annexure P-2) passed by the learned Addl. Civil Judge (Sr. Division), Patiala in Civil Suit No.113 dated 13.08.2014 in case titled as Jagmail Kaur vs. Punjab State Power Corporation Ltd. & anr. striking off the defence of the petitioners-defendants on account of their failure to file written statement within stipulated period of time.

3. A perusal of the impugned order reveals that the defence of the petitioners-defendants No.3, 4, 6 and 7 was struck off on the ground that they had already availed sufficient opportunities including last opportunity but failed to file written statement. Therefore, there was no occasion warranting grant of further adjournment as requested by the petitioners-defendants.

4. A perusal of the zimni orders reveals that defendants No.3, 4, 6 and 7 put in appearance before the learned ACJSD, Patiala on 21.12.2017,

whereupon the case was adjourned to 05.01.2018 for filing written statement. However, on the said date, written statement was not filed on behalf of the petitioners-defendants and on request the case was adjourned for 25.01.2018. Again on 25.01.2018, written statement was not filed and a date was requested for. The same was granted and the case was adjourned for 12.02.2018 subject to last opportunity. On 12.02.2018 written statement was not filed on behalf of the petitioners-defendants and again on request, case was adjourned to 06.03.2018 subject to last opportunity. On 06.03.2018, the case could not be taken up and was taken up on 07.03.2018 on which date again the written statement was not filed by the petitioners-defendants and a date was requested, which was granted for 03.04.2018 subject to last opportunity. On 03.04.2018, again written statement was not filed by the petitioners-defendants and on request, date was granted for 13.04.2018 subject to last opportunity. On 13.04.2018, the case was adjourned to 10.05.2018 for filing written statement but on 10.05.2018 also, written statement was not filed and on request, the case was adjourned to 22.05.2018 subject to last and final opportunity, failing which, it was made clear that the defence of the defendants would be struck off. On 22.05.2018, written statement was not filed and on request, case was adjourned to 31.05.2018 subject to last and final opportunity, failing which it was mentioned that the defence of defendants No.3, 4, 6 and 7 would be struck off. On 31.05.2018, request for further adjournment was rejected and defence of petitioners-defendants No.3, 4, 6 and 7 was struck off on the ground that already sufficient opportunities had been availed along with last opportunity.

5. I have perused the record and am satisfied that the impugned

order does not warrant any intervention as sufficient opportunities were granted to the petitioners-defendants to file written statement but the same was not filed.

6. Accordingly, finding no merit in the revision petition, the same is dismissed in limine.

11.10.2018
sonia

(B.S.WALIA)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No