

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

Sr. No.104

CR-6768-2018

Date of decision: 31.10.2018

Pardeep Kumar

....Petitioner

versus

Simranjeet Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 23.02.2018 passed by the Additional Civil Judge (Senior Division), Gurdaspur (for short- 'the Trial Court'), through which the petitioner's defence has been struck off.

In a recovery suit filed against the petitioner, his defence has been struck off as he failed to file his written statement after being granted five opportunities.

According to the learned counsel for the petitioner, the petitioner wanted to append with his written statement a copy of the complaint filed by him against the respondent under Section 138 of the Negotiable Instrument Act, 1881, as also a copy of the enquiry report by the police in which it had been found that the petitioner did not owe any amount to the respondent. Since procurement of such documents, which go to the root of the matter, took time, there occurred some delay in the filing of

the written statement.

In the peculiar facts of the present case and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from putting forth his defence at the very threshold of the recovery suit filed against him, subject to payment of ₹25,000/- as costs by the petitioner to respondent No.1/plaintiff, the impugned order is set aside and the petitioner is granted one and only one opportunity to file his written statement which may be now filed within one week from today.

The present petition is allowed in the above terms.

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

(DEEPAK SIBAL)
JUDGE

October 31, 2018
Jyoti 1

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