

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CR No.6839 of 2018
Date of decision : 08.10.2018

M/s Ram Lal Parveen Kumar

... Petitioner

Versus

Latoor Singh

....Respondent.

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Ajit Kumar Sharma, Advocate
for the petitioner.

Harinder Singh Sidhu, J.

This revision petition has been filed impugning the order dated 31.7.2018 passed by learned Civil Judge (Jr.Divn.), Karnal whereby the defence of the petitioner who is defendant in the suit titled as "Latoor Singh Vs. M/s Ram Lal Parveen Kumar," was ordered to be struck off for failure of the petitioner to file written statement within a period of 90 days.

Learned counsel for the petitioner states that after the institution of the suit, notice was issued to the defendant for 12.2.2018 and on that date, Power of Attorney on behalf of the defendant was filed and the case was adjourned to 16.3.2018 for filing written statement. However, written statement could not be filed on 16.3.2018 and the case was adjourned to 10.5.2018 for filing written statement. Once again, an adjournment was sought for filing of written statement and the case was adjourned to 31.7.2018. It is the case of the petitioner that on 31.7.2018, a request was made that he would file the written statement on that very day upto 4:00 p.m as the written statement had not yet been finalized. But the case was taken up at 3:05 p.m. and the impugned order was passed striking of defence of the petitioner at 3:30 p.m.

Learned counsel for the petitioner states that failure to file written statement was not intentional and the petitioner would suffer irreparable loss if the impugned order is not set aside. The case is now fixed before the trial court on 13.11.2018 for evidence of the plaintiff. He prays that the petitioner be granted one opportunity to file the written statement.

Considering the facts and circumstances of the case, revision petition is allowed. Impugned order dated 31.07.2018 to the extent of striking of defence of the petitioner is set aside. The petitioner may file the written statement before the trial court within two weeks from today. This shall be subject to payment of Rs.15,000/- as costs to the plaintiff.

The Revision Petition has been disposed of without notice to the respondent to avoid unnecessary delay and expenses. However, if the respondent has any grievance, he is at liberty to approach this Court for recalling this order.

(Harinder Singh Sidhu)
Judge

08.10.2018

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No