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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7445 of 2018

Date of Decision: 17.11.2018

Inderjit Singh

..... Petitioner

Versus

Pawan Kumar Verma

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Yashjot Singh Dhaliwal, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the impugned order dated 24.08.2018, passed by the Ld. Additional Civil Judge (Senior Division), Chandigarh, in the Civil Suit filed on behalf of the respondent.

2. Vide the impugned order, the defence of the petitioner/defendant was ordered to be struck off, since he had failed to file his written statement after expiry of 90 days from the date of service effected upon him. The matter was thereafter posted to 20.11.2018 for evidence of the plaintiff/respondent.

3. Reliance has been placed on the decision of the Supreme Court in “**Smt. Rani Kusum Vs. Smt. Kanchan Devi**”, **2006(1) ALL MR 63**, wherein it was held that the defendant's written statement can be entertained and extension of time can also be allowed for circumstances which are

exceptional or for reasons beyond the control of the defendant. The petitioner's contention in this regard is that he was severely indisposed for nine days between 20.08.2018 to 28.08.2018, on account of which he could not sign his written statement which had been prepared, and it was in those circumstances that the same could not be filed in the Court. To substantiate this contention, he has filed the original Medical Certificate issued by the concerned Doctor, which is Annexure P-2 to the petition.

4. A Co-ordinate Bench of this Court in “**Punjab State Vs. Pardeep Kumar**”, **2018(1) Law Herald 304**, in similar circumstances had permitted the defendants/petitioners in the said case to file their written statement after their defence had already been struck off, subject to payment of costs in favour of the plaintiff.

5. The scheduled date for evidence from the plaintiff's side is yet to arrive.

6. As such, in the interest of justice, the present revisional petition is allowed so as to grant an opportunity to the petitioner to positively file his written statement before the Ld. Trial Court on or before the next date fixed, i.e. 20.11.2018, and subject to payment of costs of ₹10,000/- in favour of the plaintiff/respondent. If the needful is not done on that date, the impugned order passed by the Ld. Trial Court shall stand restored.

17.11.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/ reasoned : | Yes/ No |
| 2. Whether reportable : | Yes/ No |