

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

105

CR No.7812 of 2018

Date of decision:17.11.2018

Punjab and Sind Bank

... Petitioner

versus

Rajwinder Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.A.B.S.Sidhu, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner challenges the order of the learned trial Court dated 9.10.2018, by which the defence of the petitioner, i.e. defendant no.2 in the suit out of which this petition arises, has been struck off due to non-filing of the written statement.

A perusal of the orders passed by the trial Court between 21.4.2018 up till the date of the impugned order, all of which have been very fairly annexed by learned counsel for the petitioner, shows that 5 opportunities had been granted to the petitioner as also to defendant no.1 to file written statements, with the needful still not having been done by the petitioner and with defendant no.1, i.e. respondent no.2 herein, having filed her written statement on the date that the impugned order was passed.

The next date of hearing before the trial Court being 3.12.2018, with evidence still to begin, though issues have already been struck vide the impugned order itself, I consider it appropriate that upon the petitioner, (defendant no.2), paying costs of Rs.7,000/- to respondent no.1, i.e. the plaintiff in the suit, and Rs.3,000/- to the District Legal Services Authority,

it may file its written statement within a period of one week from today.

Subject to the above, this petition is allowed and the impugned order is quashed, even without issuing notice to the respondents.

However, it is made clear that if either of the contentions stipulated hereinabove is not complied with, i.e. either costs are not paid or the written is not filed within a period of one week from today, this petition shall be deemed to have been dismissed.

17.11.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No