

CR-819-2018 (O&M)

135+217

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

CR-819-2018 (O&M)

Date of decision : 14.12.2018

Kanu Priya

... Petitioner

Versus

Inderjeet Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Suhail Sehgal, Advocate
for the respondents.

AMIT RAWAL, J.

CM-9037-CII-2018

For the reasons stated in the application, only Annexures R-1 to
R9 are taken on record.

CM stands disposed of.

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The petitioner-defendant is aggrieved of the impugned order
dated 13.12.2016, whereby, her defence has been struck off.

Learned counsel appearing on behalf of the petitioner-
defendant submits that in case, one opportunity is granted, he will file the
written statement, subject to any term and condition, which this Court may
deem fit appropriate.

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Learned counsel appearing on behalf of the respondents-plaintiffs supported the impugned order as the petitioner-defendant has availed 36 opportunities and rightly so, her defence has been struck off, thus, urges this Court for dismissal of the petition.

I have heard learned counsel for the parties and appraised the paper book and of the view that no doubt, the petitioner-defendant was negligent in filing the written statement. However, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to grant one effective opportunity to file the written statement.

Keeping in view the aforementioned observations, the impugned orders, under challenge, are set aside and the petitioner-defendant shall file the written statement, subject to payment of costs of ₹8,000/- which shall be condition precedent.

Accordingly, revision petition stands allowed.

14.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**