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

CR No. 8525 of 2017

Date of Decision: 15.05.2018

Anil Kumar

....Petitioner

Vs

Baldev Raj and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sherry K. Singla, Advocate, and
Mr. Akshit Aggarwal, Advocate, for
Mr. Manoj Kumar Pundir, Advocate,
for the petitioner.

Mr. Namit Khurana, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

At the very outset, learned counsel for the petitioner submits that respondent No.3 is a co-defendant in the suit, therefore, service qua him be dispensed with. Ordered accordingly.

As per office report, respondents No.1,2 and 4 are duly served.

Mr. Namit Khurana, Advocate, appears on behalf of respondent No.1.

None has appeared on behalf of respondents No.2 and 4, therefore, they are proceeded exparte.

Both the parties are *ad idem* that the controversy herein is squarely covered by order dated 19.12.2017 passed in Civil Revision No.5920 of 2017 titled 'Sushil Kumar vs Baldev Raj and others'.

Sushil Kumar is respondent No.3 in the present revision petition who was defendant No.2 in the suit filed by Baldev Raj-respondent No.1. Present petitioner is defendant No.3 in the aforesaid suit. Defence of the petitioner was struck off vide the impugned order for want of written statement.

This Court has already considered the present issue between the same parties when defence of Sushil Kumar i.e. respondent No.3 in the present revision petition was struck off and this Court granted indulgence thereby giving one opportunity to co-defendant to file written statement, subject to payment of costs of Rs.10,000/- to be paid to the plaintiff i.e. respondent No.1 herein.

In view of above, this petition is also disposed of in the same terms as ordered in Civil Revision No.5920 of 2017 titled 'Sushil Kumar vs Baldev Raj and others'.

One opportunity is granted to defendant-petitioner to file written statement subject to payment of costs of Rs.10,000/- to be paid to the plaintiff-respondent No.1.

Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

15.05.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No