

CR No. 8703 of 2017 (O/M)
Date of decision : 11.1.2018

Nisha Rani

..... Petitioner

Versus

Smt. Manju Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Munjal, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner is aggrieved of the order dated 1.5.2017 (Annexure-P-2), passed by the learned Civil Judge (Junior Division), Pathankot, vide which defence of petitioner-defendant No. 8 has been struck off for not filing written statement within requisite period of ninety days.

The learned counsel for petitioner fairly conceded that the petitioner got six adjournments to file the written statement, but it is sought to be put forward that due to illness of son of petitioner, she could not file the written statement.

This Court is not convinced about the said contention. However, this Court is also of the view that when opposite party can be compensated by way of costs, present petitioner should be given a chance for making up her mistake. Accordingly, impugned order is set aside and petitioner is given only one last opportunity, i.e. next date of hearing, to file the written statement, subject to payment of Rs. 10,000/- as costs, payable to the plaintiff. Instant revision is allowed.

(KULDIP SINGH)
JUDGE

11.1.2018
sjks

Whether speaking / reasoned : Yes
Whether Reportable : No