

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

213

CR-3705-2016(O&M)

Date of Decision : August 27, 2019

MOHAMMAD DIN

.....Petitioner

VERSUS

GURWINDER KAUR & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. S.K.Sandhir, Advocate
for the respondents.

NIRMALJIT KAUR, J. (Oral)

The present revision petition is filed praying for setting aside the order dated 14.1.2016 passed by Civil Judge (Jr. Divn), Ludhiana in which the defence of the petitioner was struck off with permission to file written statement.

Learned counsel for the petitioner while praying for the said relief submitted that his client was very poor and that although he was attending the Court with his counsel, his counsel was regularly taking time but did not file written statement.

At the first instance, the prayer of the learned counsel for the petitioner that one last opportunity be granted to file the written statement appears to be very innocent but a perusal of the pleadings before this Court shows otherwise. While reproducing the *Zimni orders* showing the

Presiding Officer absent on particular date, the orders wherein the petitioner was granted as many as four opportunities to file the written statement were not placed on record. The said orders have been placed on record by the learned counsel for the respondent-plaintiff. Infact, costs were also imposed on various dates to file the written statement but neither was the costs paid and nor the written statement has been filed. The Court had no choice but to strike off the defence. Although the entire blame has been put on the counsel appearing for him before the trial Court but the stand of the petitioner-respondent is not bonafide as no complaint was ever filed by him before the Bar Council. The stand of the learned counsel for the petitioner that the petitioner is poor too does not appear to be correct. The petitioner is stated to have purchased a plot of 100 square yards in the city of Ludhiana which by no stretch of imagination can be purchased by a poor person.

Inspite of the above observations of this Court, still, in the interest of justice this Court deems it proper to grant one and last opportunity to file the written statement but the same is subject to payment of Rs.50,000/- as costs to be paid to the plaintiff-respondent in view of the conduct of the petitioner, as mentioned above. No further opportunity shall be granted.

Disposed of as above.

(NIRMALJIT KAUR)
JUDGE

August 27, 2019
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No