

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

CR no.4200 of 2018 (O&M)

Date of Decision: 30.05.2019

Jog Raj

...Petitioner

Vs.

Krishna Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Zorawar Singh Chauhan, Advocate, for the petitioner.
Mr. Inderjeet Singh Parmar, Advocate, for the respondent.

Amol Rattan Singh, J (Oral)

By this petition, the petitioner has challenged the order passed by the learned Civil Judge (Jr. Divn.), Phillaur, on 03.04.2018, striking off the defence of the petitioner (defendant in the suit), no written statement having been filed by him till that date, after service of notice had been effected upon him on 19.12.2017.

Notice of motion having been issued in this petition on July 05, 2018, the turn of the case never came up for effective hearing for 4 successive dates thereafter, with an application for advancement of the date of hearing having been filed thereafter on 01.05.2019 and the matter therefore adjourned till today, with it ordered to be shown in the urgent list.

Since no stay is operating in favour of the petitioner, it is not denied by counsel for the parties that evidence on behalf of the respondent (plaintiff in the suit) has also been led to some extent.

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Though obviously pendency of the petition before this Court with its turn not having come up for hearing not being the fault of either party, yet it is strange that no application was moved by the petitioner prior to the one on 01.05.2019, seeking that the matter be taken up early in view of the fact that the trial was progressing.

Be that as it may, but even taking into that account, this petition is allowed and the impugned is set aside, on the condition of the petitioner paying Rs.15,000/- as costs to the respondent.

The petitioner would now file his written statement within one week along with the aforesaid costs.

30.05.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : No