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

**CR No.7628 of 2018 (O&M)
Date of Decision: 10.01.2019**

Jaswinder Singh

Petitioner

Versus

Darshan Singh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Sandeep Kumar Sharma, Advocate
for the respondents.

AVNEESH JHINGAN, J (Oral):

The present civil revision petition has been filed by the petitioner being aggrieved of the order dated 05.10.2018 passed by learned Civil Judge (Sr. Division), Jalandhar (NRI Cases) striking off the defence of petitioner/defendant No.1 [for brevity 'the petitioner'].

The facts in brief are that a suit for decree of permanent injunction restraining the defendants, their agents etc., from carving any illegal colony or changing the nature of the suit land without permission of competent authority, was filed by respondent No.1/plaintiff [for brevity 'the respondent']. Notice was issued. The petitioner failed to file written statement within a period of 90 days

and his defence was struck off on 05.10.2018. Aggrieved of the order, the present civil revision petition has been filed.

Learned counsel for the petitioner contends that filing of written statement was delayed as talks for compromise were going on and there was likelihood of amicable settlement, ultimately the talks failed and by that time defence was struck off as the period of 90 days had expired. He further contends that 90 days period is not mandatory.

Learned counsel for the respondents argues that the entire endeavour of the petitioner is to delay the proceedings and he has not filed the written statement intentionally.

Learned counsel for the petitioner states that the written statement is ready and would be filed within 15 days from today.

From the perusal of the paper book and considering the fact that the talks of settlement were going on between the parties, which ultimately failed, the order dated 05.10.2018 striking off the defence of petitioner is set aside subject to payment of costs of ₹5,000/- to the respondents. The petitioner shall file the written statement within 15 days from today and shall pay the costs.

The civil revision petition is allowed in aforesaid terms.

[AVNEESH JHINGAN]
JUDGE

January 10th, 2019
pankaj baweja

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| 1. Whether speaking/reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |