

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 636 of 2019 (O&M)

Date of Decision: 12.03.2019

Puneet Pal Singh

.....Petitioner

Versus

Dheeraj Thapar

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the petitioner.

Mr. G.S. Madaan, Advocate
for the respondent.

AVNEESH JHINGAN, J.(oral)

Being aggrieved of the order dated 8.3.2018 passed by learned Civil Judge, Junior Division, Jalandhar (hereinafter referred to as 'Civil Court') striking of the defence of petitioner-defendant No.2 (for short 'petitioner'), the present civil revision petition has been filed.

Learned counsel for the petitioner submits that defendant No.1 was looking after the legal proceedings. During the pendency of the suit, he died and for this reason delay occurred in filing the written statement. He seeks one more opportunity to file the written statement and submits that the matter is fixed for 20.3.2019 and he undertakes that petitioner shall file the written statement on or before the next date fixed.

Learned counsel for the respondent defends the order and vehemently resists the contention raised by learned counsel for the petitioner. He argues that the entire endeavour is to delay the proceedings and it was only this intention that written statement was not filed.

Considering the facts of the case that one of the defendants i.e. defendant No.1 died during the pendency of the suit and the statement given by learned counsel that the written statement shall be filed on or before the next date fixed before the Civil Court, the impugned order is set aside, subject to payment of costs of Rs.3500/- to be paid to the respondent. The Civil Court shall permit the petitioner to file the written statement on or before 20.3.2019.

The present civil revision petition is allowed.

12.03.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No