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

**CR No.1021 of 2019 (O&M)
Date of Decision : 09.04.2019**

Vijay Kumar Dass

Petitioner

Versus

Harjinder Kaur

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, Advocate for
Mr. Anupam Bhardwaj, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral)

Aggrieved of order dated 22.03.2018 passed by the Civil Judge (Jr. Division), Amritsar [hereinafter referred to as 'the Civil Court'], striking off the defence of the petitioner/defendant [hereinafter referred to as 'petitioner'] and of order dated 29.01.2019, dismissing the application for setting aside order dated 22.03.2018, the present Civil Revision Petition has been filed.

Learned counsel for the petitioner states that the petitioner was sick and Medical Certificate to that effect was produced before the Civil Court, but without considering the

same, the impugned orders have been passed. He prays that one opportunity be granted to file written statement.

Learned counsel for the respondent vehemently defends the orders and argues that entire endeavour of the petitioner is to delay the proceedings. The written statement has not been filed intentionally to delay the matter.

Considering the fact that petitioner was sick and Medical Certificate was produced to support his explanation, the impugned orders are set aside, subject to payment of costs of ₹1,000/-, to be paid to the respondent.

It is informed that case is fixed for 10.04.2019 before the Civil Court. The Civil Court shall adjourn the case for two weeks to enable the petitioner to file written statement on or before next date fixed by it.

The Civil Revision Petition is allowed.

[AVNEESH JHINGAN]
JUDGE

April 09, 2019
pankaj baweja

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