

250

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

**CR No.1578 of 2019 (O&M)
Date of Decision : 11.04.2019**

Joginder Singh

Petitioner

Versus

Darbara Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Bakshi, Advocate
for the appellant.

Mr. K. S. Sidhu, Advocate
for respondent No.1.

AVNEESH JHINGAN, J (Oral)

Aggrieved of order dated 10.09.2018 passed by the Additional Civil Judge (Sr. Division), Dera Bassi [hereinafter referred to as 'the Civil Court'] striking off the defence of the petitioner, the present Civil Revision Petition has been filed.

The facts in brief are that respondent No.1/plaintiff [hereinafter referred to as 'respondent'] filed a suit for recovery for un-liquidated damages against the petitioner and other proforma respondents. In spite of various opportunities, the petitioner/defendant [hereinafter referred to as 'petitioner'] failed to file written statement. The Civil Court struck off the defence

vide impugned order.

Learned counsel for the petitioner contends that wife of the petitioner suffered heart attack in first week of September, 2018 and she was hospitalized. It was for this reason, written statement could not be filed. He further states that one opportunity be provided to him for filing his written statement and on behalf of his son, who is defendant No.1 in the Civil Suit.

Learned counsel for respondent argues that entire endeavour is to delay the proceedings and the written statement has not been filed intentionally.

Considering the fact that there was bereavement in the family and wife of the petitioner was hospitalized, order dated 10.09.2018 is set aside, subject to payment of costs of ₹5,000/-, to be paid to the respondent.

The petitioner shall file his written statement and also on behalf of his son, as undertaken by him in this Court, within three weeks from today.

The Civil Revision Petition is allowed.

[AVNEESH JHINGAN]
JUDGE

April 11, 2019
pankaj baweja

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