

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 2761 of 2019
Date of decision: 10.5.2019

Gurpreet Singh Gill

.. Petitioner

v.

Amarjit Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Monty Goyal, Advocate for the petitioner.
Mr. I. J. S. Chawla, Advocate for the respondent.

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AVNEESH JHINGAN, J. (Oral)

Aggrieved of the order dated 10.10.2018 passed by the Civil Judge (Junior Division), Ludhiana (hereinafter described as 'Civil Court') striking off the defence of the petitioner-defendant (hereinafter described as 'the petitioner'), the present petition has been filed.

The facts in brief are that a suit for permanent injunction was filed by the respondent-plaintiff (hereinafter described as 'the respondent') restraining the petitioner from alienating the property known as Hotel Lamellz, situated at G.T. Road, opposite Dhandari Railway Station, Ludhiana. In the suit, notice was issued. The petitioner failed to file the written statement despite availing number of opportunities including last opportunity subject to cost of ₹1,000/-.

Learned counsel for the petitioner states that written statement could not be filed as the petitioner was unable to attend the court due to

illness. Though the written statement was ready but the same could not be signed. He seeks one opportunity to file the written statement.

Learned counsel for the respondent states that the written statement is not being filed intentionally to delay the proceedings.

Considering that one opportunity is being asked for and moreover it is stated that the petitioner fell sick and could not sign the written statement, the impugned order is set aside subject to cost of ₹10,000/- to be paid by the petitioner to the respondent. Learned counsel for the petitioner states that the next date fixed in the Civil Court is 23.5.2019. The written statement shall be filed on or before the date fixed in the Civil Court.

The revision petition is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

10.5.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No