

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2901 of 2019 (O&M)

Date of Decision: 28.05.2019

Kumikkar Singh Rangi

.....Petitioner

Vs.

Gurmeet Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Navjeet Singh, Advocate, for the petitioner.

Mr. Aayush Gupta, Advocate, for respondent no. 1.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court dated 31.10.2018, by which the petitioners' defence has been struck off, he not having filed a written statement in the suit instituted by the respondent no. 1-plaintiff, despite having put in appearance after notice was issued to him, on 10.07.2017.

Learned counsel for the petitioner submits that the petitioner being a non-resident Indian, he was out of India till March 2019, he having left India on 17.04.2018.

Upon query as to why the written statement could not be filed for a period of 09 months, between 10.07.2017 and 17.04.2018, he submits that even respondent no. 1-plaintiff submitted the entire court fee applicable, only in February 2019.

On further query, learned counsel for the parties are not at variance to submit that issues having been framed, evidence of the respondent-plaintiff is still to begin.

Having considered the matter, it is considered appropriate that upon payment of costs of Rs. 10,000/- by the petitioner to the respondent-plaintiff, the petitioner be allowed to submit his written statement within the next 15 days, with the impugned order accordingly set aside and the trial Court to proceed from that stage, thereafter.

May 28, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.