

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

**C. R No. 4548 of 2019
Date of decision : 22.07.2019**

Rajan Singh @ Kala

....Petitioner

versus

Rajinder Pal Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 02.07.2019 passed by learned Civil Judge (Sr. Divn.) (NRI Caes) Jalandhar, vide which the defence of the petitioner-defendant has been ordered to be struck off.

A bare perusal of impugned order shows that the plaintiff-respondent filed a suit for recovery of Rs.1 crore as damages on 14.09.2018 and thereafter, petitioner filed an application under Order 7 Rule 11 CPC for rejection of the plaint, which was dismissed on 20.05.2019. The case was then adjourned to 02.07.2019. Thus the Court below has wrongly struck off the defence of the petitioner only on the ground that the statutory period of 90 days is over and no written statement has been filed.

In view of facts and circumstances of this case, the revision petition is allowed and order dated 02.07.2019 is set aside, trial Court is directed to give one more opportunity to the petitioner to put on record his written statement on 02.08.2019.

22.07.2019

G.Arora

**(RITU BAHRI)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes
No*