

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

**CR No. 5147 of 2019
Date of decision: 28.08.2019**

Jagdev Singh

...Petitioner

V/s.

Surinder Pal Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. B.S. Toor, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

The petitioner is seeking setting aside the order dated 11.07.2018 (Annexure P-3) whereby the defense of the respondent has been struck off.

Learned counsel for the petitioner states that after this order was passed, on 09.08.2018 AW-1 Surinder Pal Singh tendered into his affidavit and thereafter the case was adjourned for his cross-examination. On 07.02.2019 and 26.02.2019 no witness of the applicant was examined and on 15.03.2019, learned counsel for the respondent had stated that his counsel has been selected as ADJ and he sought time to engage another counsel and the case was adjourned for evidence of applicant. Perusal of zimni orders dated 19.04.2019, 08.05.2019 and 01.07.2019 shows that even after engaging another counsel, the evidence in application under Order 39 Rule 2-A CPC is still going on and now the case is fixed for 10.09.2019 for recording evidence of the applicant.

Petition is allowed and order dated 11.07.2018 is set aside.

One effective opportunity is granted to the respondent to file his written

statement to the said application subject to deposit of Rs.5,000/- with the District Legal Services Authority, Ludhiana.

28.08.2019
Divyanshi

(RITU BAHRI)
JUDGE

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