

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

CR No.5933 of 2019

Date of decision: 16.10.2019

Jeet Singh

....Petitioner

Versus

Gurmeet Singh

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Kumar Sharma, Advocate,
for the petitioner.

RITU BAHRI J. (Oral)

Challenge in this petition is to the order dated 08.07.2019 (Annexure P-2) passed by the Civil Judge (Junior Division), SAS Nagar, Mohali, whereby defence of defendant-petitioner has been struck off.

A perusal of the impugned order shows that on the last date of hearing, trial Court had granted final opportunity to defendant-petitioner to file written statement subject to costs of Rs.1000/-. It was further observed that defendant had availed as many as five opportunities for the same purpose and in this backdrop, defence of the defendant-petitioner has been struck off.

Learned counsel for the petitioner contends that plaintiff-respondent filed a suit for recovery of Rs.30,00,000/- on account of dishonour of cheque No.284387 dated 29.11.2017 against the defendant-petitioner in the year 2018. After notice of the suit, defendant-petitioner appeared and availed only five opportunities for filing the written statement. However, vide impugned order dated 08.07.2019 (Annexure P-2), defence

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner (defendant), this Court deems it appropriate to provide some time to the petitioner (defendant) to file his written statement.

In view of the above, impugned order dated 08.07.2019 (Annexure P-2) is set aside and one effective opportunity is granted to defendant-petitioner to file his written statement before the trial Court, subject to costs of Rs.5,000/- to be deposited with the District Legal Services Authority, SAS Nagar, Mohali.

Allowed accordingly.

(RITU BAHRI)
JUDGE

16.10.2019
ajp

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