

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.6318 of 2017 (O&M)

Date of Decision: March 05, 2019

Om Parkash

...Appellant

Versus

Kanta Rani

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Surinder Mohan Sharma, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.16447-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 163 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.6318 of 2017

Appellant-defendant has not been successful in defending the suit by complying with the provisions of Section 37 of the Civil Procedure Code as he failed to put in appearance within ten days of service and apply for leave to defend thereon.

Appellant-defendant stated to be confined in jail and put in appearance through video conferencing on 02.09.2015 in a suit claiming recovery of ₹ 1,63,250/-, i.e., ₹ 1,30,600/- as principal and 32,650/- as interest on account of two cheques referred to in the plaint. Application for

leave to defend was submitted on 22.09.2015, which was dismissed vide order dated 26.10.2015. No revision was filed resulting into dismissal of the application. The courts below have no other occasion but to decree the suit. The explanation given for not putting in appearance or for applying leave to defend is not sufficient. The only thing required was to engage a counsel which was not done.

For the reasons stated above, no ground for interference is made out as there is no illegality or perversity in the concurrent findings. Resultantly, the appeal is dismissed.

March 05, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No