

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8084 of 2019

Date of Decision : 16.12.2019

Gurmail Singh @ Jasmail Singh @ Jagmail Singh

.....Petitioner

Versus

Surinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

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

ARUN PALLI, J. (Oral)

The petitioner is defendant No.2 in the suit and is aggrieved by an order dated 20.08.2019 (Annexure P-3), passed by the Civil Judge (Jr. Divn.), Payal, vide which his defense has since been struck off.

The petitioner (defendant No.2) had caused appearance in the proceedings on 30.04.2019 and thereafter had availed numerous opportunities to file the written statement. But yet failed to file his response. However, even if, it is assumed that he was remiss or even negligent in pursuing his cause the fact remains, if he is not granted another opportunity to file his written statement he may suffer an irreparable loss, which might also result in miscarriage of justice. Whereas to settle the equity the respondents could always be compensated with suitable costs.

Therefore, without issuing any notice to respondents and to avert any further delay, and the expenses that they shall have to incur to defend these proceedings, the impugned order is set aside and the revision

petition is disposed of in the following terms:-

1. The petitioner (defendant No.2) shall appear and file his written statement before the trial Court by 21.12.2019.
2. In the event of default, the matter shall not be adjourned and no further opportunity shall be granted and defense of the petitioner shall be deemed to have been struck off.
3. This however, shall be subject to costs of Rs.20,000/- to be deposited before the trial Court, which shall be condition precedent.

16.12.2019

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No