

In the High Court for the States of Punjab and Haryana at Chandigarh

CR-145-2018

Date of Decision: March 12, 2019

Surinder Kumar

... Petitioner

Versus

Ajit Arora and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Gupta, Advocate,
for the petitioner.

None for the respondents.

Amit Rawal, J. (Oral)

The petitioner-defendant no.2 is aggrieved of the impugned orders dated 27.08.2015 (Annexure P/2) and 17.11.2017 (Annexure P/4), whereby his defence has been struck off on account of non-filing of written statement.

Learned counsel for the petitioner-defendant no.2 submits that the Court below should be liberal while interpreting the provisions of Civil Procedure Code and should not be too harsh to strike off the defence of the defendant at very early stage. The counsel for the petitioner-defendant no.2 undertakes to file the reply within a period of 15 days, subject to terms and conditions so imposed by this Court.

There is no representation on behalf of the respondents despite service.

I have heard learned counsel for the petitioner and perused the

paper book.

No doubt, the petitioner had taken many adjournments to file written statement and failed to do so, but I am of the view that the lis between the parties is required to be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner to file the written statement before the Court below within a period of 15 days from today, subject to payment of costs of Rs. 5,000/- to be paid to the plaintiff, which shall be a condition precedent. If the costs is not paid as directed, the orders passed by the Court below shall stand restored.

The impugned orders are set aside and the revision petition is allowed.

March 12, 2019
vkd

(Amit Rawal)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No