

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8168 of 2019
Date of Decision : 18.12.2019

Ram Niwas

.....Petitioner

Versus

Rajinder Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.J.P.Sharma, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner, who is defendant in the suit, is aggrieved by an order dated 15.11.2019 (Annexure P-1), passed by the Civil Judge (Sr. Divn.), Narnaul, vide which his defense has since been struck off.

Ex facie, despite having availed numerous opportunities the petitioner failed to file his written statement, and thus, the Court was choiceless but to strike off his defense. However, on the contrary, it cannot be disputed either that if he is not granted another opportunity to file his response he may suffer an irreparable loss, which might also result in miscarriage of justice. Whereas, to settle the equity, the respondent could always be compensated with suitable costs.

Therefore, without issuing any notice to the respondent to avert any further delay as also the expenses that he shall have to incur to defend these proceedings, the impugned order 15.11.2019, is set aside and the revision petition is disposed of in the following terms:-

1. The petitioner is granted one last opportunity to file his written statement on or before the date already fixed in the suit i.e. 24.01.2020.
2. In the event of default, the matter shall not be adjourned at any cost. 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.25,000/- to be deposited before the trial Court, which shall be condition precedent.

18.12.2019

Manoj Bhutani

(ARUN PALLI)
JUDGE

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