

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

125

Civil Revision No.503 of 2020

Date of decision : 23.01.2020.

Kapil Rajput

... Petitioner

Versus

Oriental Bank of Commerce and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anshuman Chopra, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 16.09.2019 passed by the Additional Civil Judge (Senior Division), Bathinda, whereby the application preferred by him for striking off the defence of the respondents-defendants was declined.

Learned counsel for the petitioner contends that as the defendants had been allowed several opportunities and were intentionally delaying the matter, no further time ought to have been granted to them to file the written statement and the application for striking off their defence preferred by the petitioner should have been allowed. He also contends that in the alternative, he may be permitted only one opportunity to file the replication.

Heard.

The petitioner has filed a suit for declaration and mandatory injunction seeking direction to the respondents to grant him job on compassionate ground in lieu of death of his father. It is evident from the perusal of the orders of the trial Court that the respondents had indeed been granted several opportunities to file the written statement. The application for striking off the defence of the respondents-defendants was preferred by the petitioner on 24.07.2019. The case

was listed on 23.08.2019 for filing the written statement. However, as 23.08.2019 is stated to have been declared as a holiday, the application preferred by the respondents for filing the written statement had been taken up on 20.08.2019 and the written statement was taken on record on that date itself. Therefore, as the written statement of the respondents had already been taken on record on 20.08.2019, I do not find any illegality in the impugned order passed on 16.09.2019 whereby the application for striking off the defence of the respondents has been dismissed.

However, the alternate prayer of learned counsel for the petitioner that the petitioner may be granted one opportunity to file replication to the written statement, appears to be just and reasonable. In the event of the petitioner being denied the opportunity to file replication, prejudice may be caused to him. The case is at an early stage and therefore, no prejudice would be caused to the respondents.

In view of the limited prayer of learned counsel for the petitioner, I intend to dispose of this petition without issuing notice to the respondent. It would be in the interest of justice, equity and fair play if the petitioner is accorded an opportunity to file replication to the written statement.

Consequently, the petition is disposed of with the direction that the petitioner shall be granted one opportunity to file replication to the written statement.

If the respondents are aggrieved by the order of this Court, they would be at liberty to approach this Court by filing an appropriate application.

(ANUPINDER SINGH GREWAL)
JUDGE

January 23, 2020
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