

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

CR-640-2020

Date of Decision: 29.1.2020

Balbir Singh

...Petitioner

Versus

Paramjit and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.J.S.Khattar, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

Prayer in this petition is for setting aside the order dated 14.10.2019 (Annex.P3) passed by the Civil Judge (Junior Division), Phillaur, whereby the application filed by the petitioner-defendant No.5 for seeking permission to appear and file written statement, had been dismissed.

Civil Judge (Sr.Divn.), Phillaur is absolutely correct in recording in the order dated 14.10.2019 that after service of the plaint upon petitioner-defendant No.5, on 6.4.2017, he has suddenly appeared after three years claiming right to file written statement. That right was surrendered on the expiry of 120 days, of which 90 days were grace period under Order VIII Rule 1 CPC.

I affirm the view of learned trial Court. It is a correct reasoning. The defendants cannot be enjoined in the suits of declaration among several co-owners to enter proceedings and delay it one by one.

No ground is made out.

The petition is accordingly dismissed.

January 29, 2020

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**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable-

Yes/No