

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

**CR-5681-2019(O&M)
Date of decision: 22.01.2020**

Ramnath Khubi Ram Charitable Society through its President

.....Petitioner

Versus

Ramphal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vijay, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner has filed the present revision petition against order dated 5.2.2019 striking off its defence on the ground that no written statement has been filed. It has been noticed that the defendant appeared before the Court on 15.1.2018 and even after availing three opportunities, no written statement was filed, forcing the Court to pass the impugned order on fourth hearing. Learned counsel for the petitioner contends that lawyer engaged by the petitioner to defend the suit did not advice him properly resulting in the aforesaid order. He submits that if one opportunity is granted, petitioner will file the written statement, subject to payment of reasonable cost.

Keeping in view the facts of the case, this Court is of the opinion that the present revision petition can be disposed of without issuing notice.

After taking into consideration facts available on record, the petition is disposed of by directing the petitioner-defendant to file its written statement subject to payment of Rs.20,000/- as cost, by way of

demand draft in favour of the plaintiff. If the written statement is filed within 15 days from today, the Court would take the same on record and grant opportunity to the defendant to cross-examine the witness already produced by the plaintiff.

However, the plaintiff shall be at liberty to move an application for recall, if aggrieved of this order.

Disposed of.

22.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No