

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CR-8237 of 2019 (O&M)

Date of decision:9.1.2020

Panchayat Samiti, Jalandhar, and another

... Petitioners

versus

Saminder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Nakul Sharma, Advocate,
for the petitioners

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners challenge the orders of the learned Civil Judge (Senior Division), NRI Cases, Jalandhar, dated 20.9.2019, by which the defence of the petitioners has been struck off, with no written statement filed despite 3 effective opportunities having been granted and the 90 day mandatory period having expired.

Though on the last date of hearing, i.e. 19.12.2019, the matter had been adjourned on a request made by learnted counsel for the petitioner, on a specific query, learned counsel submits that in fact the evidence of the plaintiff still is to commence.

That being so, without issuing notice of motion at this stage, subject to the aforesaid contention being correct, i.e. the plaintiffs' evidence has still not commenced, the petition is allowed, subject further to payment of costs of Rs.10,000/-.

If, of course, the plaintiffs' evidence has already commenced and instructions have not been given correctly to that effect to the learned counsel, this order will be deemed to have not been passed and in which

case, the case be put up again upon a report to that effect being given to the Registry by the trial Court.

(If, of course, the contention is correct and such evidence has not commenced before the trial Court, no report is required from that Court).

9.1.2020	(AMOL RATTAN SINGH)
pk	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No