

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 1569 of 2021

Date of Decision:17.08.2021

Rakesh Kumar Jain**....Petitioner****VS****Sudesh Jain and others****....Respondents****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present: Mr. Atul Goyal, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The defence of the defendant-petitioner has been struck off vide order dated 10.03.2021 as neither evidence was produced nor costs were paid.

Learned counsel for the petitioner submits that the petitioner-defendant is an old man and was unable to appear on the said date as he suffered tenderness in his backbone on 04.03.2021. To substantiate this claim the petitioner has annexed medical certificate of the said date as Annexure P-11. Only the defendant-petitioner remains to be examined and, thus, he may be granted one last and final opportunity to get his statement recorded subject to costs as may be deemed appropriate by this Court.

Considering the prayer made and the nature of order being passed, I deem it appropriate to dispose of the present revision petition without issuance of notice of motion.

The revision petition is allowed and order dated 10.03.2021 striking off the defence of the defendant-petitioner is set aside. The defendant-petitioner shall appear on the next date of hearing fixed before the trial Court and get his statement recorded. No further opportunity shall be granted to him. This

opportunity is being granted subject to payment of costs of Rs. 5000/- to be paid to the plaintiff-respondent No. 1.

(SUDHIR MITTAL)
JUDGE

17.08.2021
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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No