

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

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**CR-3395-2019 (O&M)
Date of Decision: 27.05.2022.**

Ranjit Kaur

....Petitioner.

Versus

Surjan Singh (since deceased) through LRs' and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh Kanwar, Advocate for
Mr. Amit Arora, Advocate the petitioner.

Mr. Amrit Singh Kang, Advocate and
Mr. Vikas Gupta, Advocate for the respondents.

Anil Kshetarpal, J. (Oral)

On account of non-filing of the written statement within the period prescribed under Order VIII Rule 1 CPC, the defence of the petitioner has been struck off.

Learned counsel representing the petitioner draws the attention of this Court to daily (zimni) orders passed by the trial Court. No doubt, on 25.04.2018, the Court granted an opportunity to the petitioner to file written statement and adjourned the case to 25.05.2018. On 25.05.2018, on an application filed by the plaintiff under Order XXII Rule 3 CPC, the case was adjourned for filing reply to the application. The application under Order XXII Rule 3 CPC was allowed on 02.01.2019 and the plaintiff filed amended memo of parties on 15.01.2019. The Court struck off the defence on 02.04.2019.

Learned counsel representing the petitioner submits that the petitioner will file the written statement within a week from today.

On the other hand, learned counsel representing the plaintiff submits that opportunity to file written statement should not be granted without penalizing the petitioner.

Keeping in view the aforesaid facts, the revision petition is allowed and order dated 02.04.2019 is set aside. Let the petitioner file written statement within a week from today subject to payment of costs of Rs.5,000/-.

(ANIL KSHETARPAL)
JUDGE

27.05.2022.

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No