

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

Sr. No.114

CR-3010-2022

Date of Decision: 09.12.2022

PARGAT SINGH BHINDER

....Petitioner

Versus

PARAMJIT KAUR AND ANOTHER

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present: Mr. Amandeep Singh, Advocate,
for the petitioners.

Mr. Gurcharan Dass, Advocate,
for respondents No.2 (a), (c), (d) and (e).

ARCHANA PURI, J

Challenge in the present revision petition is to the order dated 17.02.2021 passed by learned Lower Court, whereby the defence of the petitioner, had been struck off, on account of non-filing of the written statement.

The order, so passed, is reproduced in verbatim, as hereingiven:-

“The respondent has neither filed written statement nor filed reply to the application under Section 35-B CPC. Many opportunities have already been granted to respondent to file written statement but he failed to do so. Even the costs of Rs.5000/- imposed upon respondent has not been paid. There is no justification for granting more opportunity to the respondent for filing written statement. Accordingly the defence of respondent to file written statement is hereby struck off. Now to come upon 23.04.2021 for evidence of the petitioner”

Heard learned counsel for the parties.

Even the zimini orders, ever since the appearance of the petitioner before learned Lower Court, have been placed on record. However, at this stage, it is submitted by learned counsel for the petitioner that the petitioner is a truck driver and on this account, he could not make appearance on all dates of hearing, fixed by learned Lower Court.

It is submitted that counsel representing the petitioner, at the relevant time, could not make appearance before learned Lower Court due to his medical ailment, as he was suffering from brain tumor.

Considering the same, one opportunity is given to the petitioner to make appearance before learned Lower Court on 13.12.2022, on the date already fixed. Since the date is very short, learned Lower Court shall look into the feasibility of giving a short adjournment, for filing of the written statement by the respondent (petitioner herein), within a period of one week, thereafter.

The instant revision petition is hereby disposed of, subject to payment of costs amounting to Rs.10,000/- to the respondents, simultaneously, at the time of filing of the written statement before learned Lower Court.

09.12.2022
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No