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

**CR-3082-2022 (O&M)
Date of decision: 04.08.2022**

Sumitra Devi

... Petitioner

Vs.

Amarpal Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 01.07.2022 passed by the Civil Judge (Sr. Divn.), Amritsar, in Civil Suit No.2548 of 2021 titled as 'Amarpal Singh Vs. Sumitra Devi', vide which defence of the petitioner-defendant was struck off on account of non-filing of written statement.

Learned counsel for the petitioner submits that the petitioner put in appearance before the trial Court on 01.10.2021 and the case was listed for filing the written statement for the first time on 23.11.2021 and thereafter, it was adjourned for two more dates. It is further submitted that defence of the petitioner-defendant was struck off vide impugned order dated 01.07.2022 and in case, the petitioner is not granted one opportunity to file the written

statement, it will adversely affect his right, as he will not be able to plead his case before the trial Court.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, this petition is allowed and the impugned order dated 01.07.2022 is set aside. The petitioner-defendant is granted 30 days' time to file the written statement, however, subject to payment of costs of Rs.2,000/- to the respondent-plaintiff.

The petitioner will file written statement along with costs on or before 05.09.2022, failing which this revision petition will be deemed to be dismissed without any further orders.

The amount of costs will be paid to the respondent-plaintiff on the same day.

Liberty is granted to the respondent-plaintiff to revive this petition, if so advised.

[ARVIND SINGH SANGWAN]
JUDGE

04.08.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No