

121

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

**CR-3938-2022 (O&M)
Date of decision: 16.09.2022**

Malkiat Chand

... Petitioner

Vs.

Dharam Chand

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 20.04.2022 passed by the trial Court in Civil Suit No.276 of 2021 titled as Dharam Chand Vs. Malkiat Chand, vide which defence of petitioner-defendant was struck off and he is barred from filing written statement.

Learned counsel for the petitioner submits that the petitioner put in appearance before the trial Court through his counsel in the suit and the case was fixed, for the first time, for filing written statement on 04.01.2022 and then it was adjourned for 23.02.2022. Thereafter, one last opportunity was granted to the petitioner to file the written statement and the case was adjourned to 20.04.2022. It is further submitted that due to some unavoidable circumstances, as explained in the present petition, the petitioner could not file the written

statement in time, therefore, his defence was struck off vide impugned order.

After hearing learned counsel for the petitioner, in order to avoid any further delay in disposal of the case, at this stage, issuance of notice to the respondent is dispensed with and in the interest of justice, this petition is allowed and the impugned order dated 20.04.2022 is set aside.

The petitioner is granted 30 days more time to file the written statement from today subject to payment of costs of Rs.2,000/- to the respondent-plaintiff.

The written statement will be filed along with costs on or before 19.10.2022, failing which this revision petition will be deemed to be dismissed without any further orders.

[ARVIND SINGH SANGWAN]
JUDGE

16.09.2022

vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No