

122

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.4057-2022 (O&M)
Date of Decision:22.09.2022

Gurdev Singh

.. Petitioner

Vs.

Bank of India

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder Singh Dadwal, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner is aggrieved against the impugned order dated 07.03.2022 passed by Civil Judge (Jr. Divn.), Jagraon in Civil Suit No.594/2018 titled as *Bank of India Vs. Gurdev Singh*, whereby his defence was struck off, as no written statement was filed, in stipulated period.

Learned counsel contends that the petitioner/defendant appeared in-person in the suit first time on 07.05.2019 and the Court adjourned it for 08.07.2019 for filing power of attorney as well as written statement. On 08.07.2019, Mr. Kumar Gautam, Advocate appeared on behalf of the petitioner, who sought adjournment for filing written statement and the case was adjourned to 21.08.2019, thereafter again the case was adjourned to 21.09.2019 for filing written statement.

On 21.09.2019, the respondent moved an application for striking off the defence of petitioner and the case was adjourned to 16.10.2019 for filing reply to the above said application. On 16.10.2019, the present petitioner moved an application for stay against the plaintiff and the case was adjourned to 17.11.2019 for filing reply of both the applications.

However, both the applications were ordered to be dismissed on 04.01.2020 vide separate orders and the case was adjourned to 15.02.2020 for filing written statement, but thereafter, pandemic COVID-19 brokeout and on 07.03.2022 his defence was stuck off.

Learned counsel states that the written statement is ready with the petitioner and would be filed positively on or before 02.11.2022 i.e. the next date of hearing fixed before the trial Court. He submits that in case, the petitioner is allowed to file his written statement, no prejudice would be caused to the other side and prays for last opportunity.

Heard.
Notice of motion.

At this stage, Mr. Harsh Garg, Advocate for respondent-Bank has appeared ad filed memorandum of appearance on behalf of respondent-Bank and does not oppose the prayer made by the petitioner.

Upon considering the nature of litigation between the parties, as well as explanation offered by the petitioner for delay in filing his response, this Court deems it appropriate to afford one more opportunity to petitioner to file the written statement.

Resultantly, the impugned order dated 07.03.2022 is set aside and petitioner is granted only one opportunity to file his written statement on or before 02.11.2022 i.e. the date of hearing fixed before the trial Court.

Disposed of.

22.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE