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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5918-2022 (O&M)

DATE OF ORDER: 14.12.2022

Bakhshish Singh

.....Petitioner

Vs.

Amarjit Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr.Gurjeet Singh Kura, Advocate for the petitioner.

Nidhi Gupta, J.

CM-17568-CII of 2022

This is an application under Section 151 CPC for exemption from filing certified and true typed copies of impugned order dated 27.10.2022. For the reasons stated in the application, the same is allowed subject to just all exceptions.

Main Case

Prayer in this Revision Petition is for setting aside order dated 27.10.2022 passed by the learned Additional Civil Judge, Senior Division, Sultanpur Lodhi vide which the defence of the petitioner/defendant No.3 has been struck off.

Learned counsel for the petitioner submits that the petitioner is almost 70 years of age. He had put in appearance through counsel before the learned Court below on 28.07.2022 and sought time to file reply. However, vide impugned order dated 27.10.2022, the learned Court below has struck off his defence as the statutory period of 90 days had elapsed and written statement had not been filed. At the very outset, learned counsel submits that one effective opportunity may be granted to him to file his written statement as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by Id. Counsel for the petitioner, this petition is allowed and impugned order dated 27.10.2022 is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner to file written statement in Civil Suit No.146 of 2022 title as “Amarjit Kaur Vs. Partap Singh and others”, however subject to payment of Rs.5,000/- as costs to the plaintiff-respondent.

Disposed of as above. Pending application, if any, also stands disposed of.

14.12.2022
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No