

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

CR No. 692 of 2020

DATE OF DECISION :- January 17, 2023

Omkar Singh alias Onkar Singh

...Petitioner

Versus

Baljit Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. A.P. Kaushal, Advocate for the petitioner.

As per report by the Registry, respondent served but has not turned up.

Briefly stated facts of the case are that in a suit for possession filed by plaintiff Baljit Singh against defendant Omkar Singh @ Onkar Singh, on getting notice the defendant Omkar Singh @ Onkar Singh had put in appearance in the trial Court of Civil Judge, Junior Division, Hoshiarpur on 11.9.2019 and sought several opportunities to file written statement without actually filing it in the precise period of 90 days from appearance had expired as such in terms of Order 8 Rule 1 CPC, the trial Court had struck off defence of the defendant vide order dated 20.12.2019 which is being impugned in the present revision petition by the said defendant by way of filing revision petition.

Notice of the revision petition was given to the respondent-plaintiff but he did not appear despite service.

I have learned counsel for the revision petitioner besides going

through the record.

Though the revision petitioner has been grossly negligent in not filing the written statement within stipulated period of 90 days from the date of service of summons but considering the facts and circumstances of the case interest of justice demands that he be afforded one opportunity to file written statement and to contest the suit.

Accordingly, the revision petition is accepted. The impugned order is set aside and revision petitioner is granted one opportunity to file written statement in the trial Court within 15 days from today subject to payment of Rs.10,000/- as costs to the plaintiff. The revision petitioner shall get a demand draft in that sum prepared in the name of the plaintiff and would hand over it to him/his counsel in the trial Court and only then he would be allowed to file written statement and contest the suit further.

(H.S. MADAAN)
JUDGE

January 17, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No