

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CR-1168-2023

Date of Decision : February 22, 2023

Charanjit Singh

.. Petitioner

Versus

Puran Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Avtar S. Khinda, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present civil revision has been filed challenging the order dated 17.01.2023 (Annexure P-4) by which, the defence of the petitioner-defendant was struck off on the ground that he has failed to file the written statement despite repeated adjournments and last opportunities granted by the trial Court subject to the payment of cost.

Learned counsel for the petitioner submits that only one opportunity be extended to the petitioner to file the written statement so that the dispute between the parties is decided on merits even if the same is to be granted with the imposition of cost.

Though, no infirmity could be pointed out by the learned counsel for the petitioner in the impugned order dated 17.01.2023 (Annexure P-4) by which, the defence of the petitioner-defendant has been

struck off but as the lis between the parties needs to be adjudicated on the merits as far as possible and as of now, no evidence has been recorded, one more opportunity is granted to the petitioner-defendant to file the written statement.

Learned counsel for the petitioner submits that the next date of hearing before the trial Court is 24.02.2023.

The trial Court is directed that in case, within a period of one week from 24.02.2023, the written statement is filed by the petitioner-defendant, the same be taken on record and the suit should be proceeded in a manner required under law thereafter and in case, no written statement is filed within a period of said one week, impugned order will remain in operation.

However, the said opportunity is granted to the petitioner-defendant subject to the payment of Rs.5,000/- as cost to be paid to the respondent-plaintiff so as to compensate the plaintiff for the delay, which the petitioner-defendant has caused due to his acts.

The present civil revision petition is allowed in above terms.

February 22, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No