

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.299

Case No. : CR No.3333 of 2023

Date of Decision : August 29, 2023

Naresh Kumar Verma		Petitioner
vs.		
Union Bank of India		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Divyam Singh, Advocate
and Mr. Abhinav Sood, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. Challenge in this revision petition is to the order dated 01.05.2023 (Annexure P-4), passed by learned Civil Judge (Junior Division), Panipat (for brevity – Trial Court), vide which the petitioner-defendant has been precluded from filing the written statement.

2. Learned counsel for the petitioner, at the outset, has submitted that the respondent-Bank filed suit for recovery against the petitioner. The petitioner failed to file the written statement due to unavoidable circumstances and therefore, seeks one opportunity to file the same. It has been further submitted that counsel for the petitioner appeared in the Trial Court on 05.01.2023, when the case was adjourned to 29.03.2023. Thereafter, the case was adjourned to 01.05.2023, on which date impugned order was passed.

3. I have heard learned counsel for the petitioner and perused the

case file.

4. No doubt, the cases before the Courts should be disposed of without any delay and the Order VIII Rule 1 of the Code of Civil Procedure (CPC) ordinarily ought to be adhered to, but at the same time, the Court should not be too harsh to strike off the defence of the defendant at an early stage, if it feels that delay is being caused, then the other party can be compensated with costs. Before passing order that a party is precluded from filing written statement, at least there should be order of providing last opportunity, so that a person is not caught unaware.

5. Perusal of the file shows that the learned Trial Court, even without giving last opportunity, precluded the petitioner from filing the written statement. Procedure is hand-maid to administration of justice. It is meant for advancement of justice. Therefore, this Court is of the considered opinion that ends of justice would be met if the petitioner is granted one opportunity to file written statement, subject to payment of cost.

6. I intend to dispose of the instant revision petition without issuing notice to the respondent, so as to avoid further delay in disposal of the case and also to save the respondent-Bank from financial burden for engaging counsel in this case, if notice of the same is issued to the respondent-Bank.

7. In view of the aforesaid discussion, the instant revision petition is allowed and the impugned order dated 01.05.2023 passed by the learned Trial Court is set aside. The Trial Court is directed to grant only one more opportunity to the petitioner to file written statement on 27.09.2023 i.e. the date already fixed before the learned Trial Court, subject to payment of

Rs.1,000/- as costs. In case of default by the petitioner, no further adjournment shall be granted for the same.

8. In case, the respondent is not satisfied with this order, application can be moved within 30 days for recalling the same.
9. The revision petition stands disposed of in the above terms.
10. Pending applications, if any, shall stand disposed of along with this judgment.

August 29, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.