

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

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**CR-3449-2022 (O&M)
Date of decision: 17.04.2023**

Kulwinder Singh

..Petitioner

Versus

Paranpreet Singh and others

..Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sunny K. Singla, Advocate for the petitioner.
None for respondents No.1 and 2.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 07.07.2022 passed by the Ld. Civil Judge, Jr. Div., Malerkotla vide which the defense of petitioner has been struck off.

Learned counsel for the petitioner submits that in the civil suit filed by respondents No.1 and 2, address of the petitioner/defendant No.1 has been shown as District Jail, Sangrur and accordingly, as the petitioner was in jail, petitioner was unable to give necessary instructions to his counsel. As a result of which, defense of the petitioner has been struck off. Learned counsel prays that one effective opportunity may be granted to the petitioner to file his written statement, as grave injustice will be caused to him if he is not permitted to do so.

Office report shows that respondents No.1 and 2 have been served. However, there is no representation on their behalf.

Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and the Ld. Trial Court is directed to grant one effective opportunity to the petitioner to complete his defense, however subject to payment of Rs.5000/- as costs to the respondents.

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

**(NIDHI GUPTA)
JUDGE**

17.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No