

Sarabjit Singh

...Petitioner

Versus

Bharpur Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Ramesh Sharma, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.10.2023 (Annexure P-3) passed by the Ld. Additional Civil Judge (Sr. Division), Faridkot whereby defence of the petitioner/defendant No.1, has been ordered to be struck off.

2. Learned counsel for the petitioner submits that the written statement has not been filed by the petitioner/defendant No.1 as the negotiations for compromise were going on between the parties but the learned Court below has struck off the defence and he further submits that if one opportunity is given to the petitioner then he would file the written statement on next date 05.01.2024, positively fixed before the trial Court.

3. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents/plaintiffs.

4. So in the interest of justice, order dated 05.10.2023 (Annexure P-3) passed by the Ld. Additional Civil Judge (Sr. Division), Faridkot is hereby set aside and this petition is disposed of with a direction to the trial Court to

give one opportunity to the petitioner to file written statement on the next date but subject to payment of costs of Rs.5,000/- to be paid to the opposite party.

- 5. In case of default, this order shall stand automatically vacated.
- 6. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

07.12.2023
Parveen kumar

(GURBIR SINGH)
JUDGE

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