

2024:PHHC:089032



S. No.134

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

CR No.3828 of 2024

Date of Decision:17.07.2024

Hari Khan

.....Petitioner

Vs.

Mohd. Arshad and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dhirinder Chopra, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition, the petitioner assails order dated 20.05.2023 (Annexure P.3), whereby defence of the petitioner (defendant No.1 before the trial Court) has been struck off, during the proceedings of Civil Suit bearing CIS No.CS-599-2022 titled Mohd. Arshad Vs. Hari Khan and others.

2. Though learned counsel concedes that eight opportunities were provided to petitioner – defendant No.1 to file the written statement but the same could not be filed. Learned counsel has tried to justify that Shri Altaf Hussain, Advocate, who was appearing for the petitioner- defendant No.1, had prepared the written statement but he did not file the same in the Court. Learned counsel further prays to grant only one opportunity to file the written statement submitting that on the basis of written statement filed by the other defendants, issues have already been framed on 16.04.2024 and that the matter is fixed for 23.07.2024 and that no evidence has been recorded so far. Learned counsel also submits that petitioner- defendant No.1 will not press for framing of any fresh issues as the



issues already framed will cover the defence to be taken up by the petitioner – defendant No.1.

3. In view of the submissions as made above by learned counsel for the petitioner – defendant No.1, this petition is hereby disposed of with direction to the trial Court to grant one opportunity to the petitioner- defendant No.1 to file the written statement but subject to ₹10,000/- as cost payable to the contesting respondent (i.e. plaintiff) by way of a demand draft.

4. Since this order has been passed without any notice to the contesting respondent, therefore, he will be at liberty to approach this Court in case he feels aggrieved.

July 17, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No