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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5523-2024
Date of decision: 01.10.2024

Saleem Ahmed

...Petitioner

Versus

Julphaan

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Pinki Kaushik, Advocate for
Mr. Parveen Kaushik, Advocate for the petitioner.

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VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 09.05.2022 (Annexure P-3) passed by the trial Court whereby the defence of the petitioner has been struck off in civil suit No.504 of 2021.

2. Brief facts of the present case are that the respondent had filed a suit for recovery of Rs.80,000/- along with interest against the present petitioner on 22.10.2021. In the said case, vide impugned order dated 09.05.2022, the trial Court had struck off the defence of the defendant-present petitioner and had framed the issues and had adjourned the case to 10.11.2022 for evidence of the plaintiff. A perusal of the said order would show that it was observed that in spite of the last opportunity, the petitioner had not filed the written statement and the period of 90 days had elapsed

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and no further adjournment was justified. The order dated 09.05.2022 is sought to be challenged before this Court in September, 2024 after a delay of more than 2 years and 4 months.

3. It has been stated by learned counsel for the petitioner that the case before the trial Court was fixed for final arguments for 27.09.2024, although no zimni orders subsequent to the impugned order have been annexed. Even if the said statement made by learned counsel for the petitioner is taken to be true on its face value, then also, it is apparent that the entire evidence of the plaintiff has been concluded and thus, setting aside of the impugned order at this stage would result in de-novo trial and would further delay the proceedings initiated by the respondent in the year 2021. Moreover, it is apparent that the petitioner has tried to delay the proceedings as the respondent had filed a suit for recovery of Rs.80,000/-.

4. Keeping in view the abovesaid facts and circumstances and also in view of the fact that there are no justifiable reasons for challenging the order dated 09.05.2022 after a delay of more than 2 years and 4 months, the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

01.10.2024 **(VIKAS BAHL)**
Pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**

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