

**CR-960-2025 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-960-2025 (O&M)****Date of decision : 14.02.2025**

Saroj

..... Petitioner

versus

Kulwant & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rajesh Dhankhar, Advocate and
Mr. Anurag Sharma, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

1 Challenge is to the order dated 04.12.2024 (Annexure P-5) whereby defence evidence of the petitioner/defendant No.2 in proceedings under Order XXXIX Rule 2 A CPC stands struck off for not filing reply despite having availed three opportunities.

2 Though there is no cogent explanation forthcoming for not filing of reply yet purely in the interest of justice impugned order is modified to the extent that the petitioner-defendant No.2 is granted an opportunity to file reply on or before 10.03.2025 by moving an appropriate application before the concerned Court. In case the reply is filed, the Court shall allow the same to be placed on record and shall proceed accordingly.

3 Order with respect to striking off defence of petitioner-defendant No.2 shall stand annulled. However, in case the reply is not filed on or before 10.03.2025, impugned order shall come into operation.



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- 4 The aforesaid indulgence is subject to payment of Rs.5,000/- costs to the petitioner payable to respondent.
- 5 Ordered accordingly.
- 6 Petition stands disposed off.

14.02.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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