

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMPMO No. 459/2026

Decided on: 16.09.2026

The Managing Director, Himachal Pradesh Power
Corporation Limited & anr. Petitioner

Versus

Vijay Kumar & ors. Respondents

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the Petitioners: Mr. Hamender Singh Chandel, Advocate.

For the Respondents: Respondent No.1 ex-parte.

Mr. Diwakar Dev Sharma, Addl. A.G.
for respondents No. 2 and 3.

Romesh Verma, Judge (oral)

The present petition arises out of the order dated 22.06.2026, as passed by the learned Senior Civil Judge, Kinnaur at Reckong Peo, H.P., whereby an application filed by the petitioners/defendants No. 2 and 4 seeking extension of time to file written statement came to be rejected.

¹Whether reporters of the local papers may be allowed to see the judgment? Yes.

2. The facts, as emerge in the present petition, are that respondent No.1/plaintiff, Vijay Kumar, has filed a suit for rendition of account and declaration to the effect that the plaintiff being land loser for construction of Kashang Hydro Electric Project is entitled to out of one percent generation income per year as per Relief and Rehabilitation Plan with the consequential relief of mandatory injunction directing the defendants to pay the out of income generated by running the Hydro Electric Project to the extent of share of the plaintiff.

3 The case file shows that the plaint came to be filed on 28.05.2024. The matter was taken up by the learned trial Court on 11.09.2024 when notices were issued to the defendants returnable for 20.12.2024. On 17.01.2025, when notices so issued were not received back, fresh notices were issued for the service of defendants returnable for 01.05.2025. Thereafter, the case was listed on 01.05.2025 and it was observed by the learned trial court that written statement has not been filed on behalf of defendants No. 2 and 4 despite expiry of the stipulated period of limitation, hence defence of defendants No. 2 and 4 was struck down.

4 Thereafter on 22.07.2025, an application under Section 148 read with Section 151 CPC for enlargement of time to file written statement was filed by the petitioners, however,

the same was dismissed by the learned trial court vide order dated 22.06.2026 and defence of the petitioners was struck off by order of the Court.

5 Feeling dissatisfied with the aforesaid order, the petitioners have preferred the instant petition.

6 I have heard the learned counsel for the parties and have gone through the material available on case file.

7 Having gone through the material available on record, this Court is of the considered opinion that there is no infirmity in the impugned order as ample opportunity was granted to the petitioners to file the written statement, however in the attending facts and circumstances of the case, as a matter of indulgence, and keeping in view the fact that pursuant to notice, as issued vide order dated 21.08.2026, having been duly served upon respondent No.1/plaintiff, he failed to turn up and was proceeded ex-parte vide order dated 26.08.2026, time for filing the written statement is enlarged and the petitioners are permitted to place on record written statement which has been filed by them along with application under Section 148 of CPC.

8 Before parting, it is made clear that the aforesaid order is being passed in the peculiar facts and circumstances

of the case, however subject to payment of costs of Rs.5000/-to be paid to the plaintiff/respondent No.1.

9 It is informed at the bar that next date of hearing before the learned trial Court is 06.10.2026. The petitioners are directed to pay the aforesaid cost to respondent No.1/plaintiff on or before the aforesaid date.

10 Needless to say that in case, aforesaid cost is not paid within the aforesaid stipulated period, then the impugned order would revive automatically.

11 The instant petition is disposed of in the aforesaid terms. Pending application application(s), if any, also stands disposed of.

16.09.2026
(*pankaj*)

(Romesh Verma)
Judge