

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

C.R. No. 4993 of 2013

Date of decision : 21.12.2013

Gurbachan Kaur & ors.

....Petitioners

V/s

Kulwinder Kaur & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Saurav Khurana, Advocate for the petitioners.

RAJAN GUPTA J. (ORAL)

Present revision petition is directed against the order passed by trial court whereby defence of defendant-petitioners has been struck off.

Learned counsel for the petitioners has assailed the order. He has also referred to affidavit of petitioner no. 1 who is stated to be 80 years old. According to him, written statement could not be filed in time due to reasons beyond the control of the petitioners.

Heard.

It appears that plaintiff filed a suit for declaration that he was owner in possession of the tube-well connection as described in the plaint. He also sought certain consequential reliefs. After notice of the suit was issued, petitioners failed to file written statement within the prescribed period. As a result, trial court passed the impugned order striking off of their defence.

Keeping in view facts and circumstances of the case, I am of the considered view that one opportunity needs to be granted

to the petitioners to file their written statement. Ordered accordingly. Impugned order is, thus, set-aside. Revision petition is allowed. This, however, will be subject to payment of ₹7,000/- as costs to be remitted to plaintiff.

This order is being passed without any notice to respondent(s) as this court is not entering into the merits of the controversy.

December 21, 2013
Ajay

(RAJAN GUPTA)
JUDGE