

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-1162-2015

Date of decision: 19.2.2015

Smt. Asha Rani

..... Petitioner

Versus

Nishant and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Amit Arora, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

The petitioner has invoked revisional jurisdiction of this Court under Article 227 of the Constitution of India, seeking to set aside the order dated 27.1.2015, passed by the learned trial Court whereby the defence of petitioner was struck off for not filing the written statement despite the expiry of statutory period of 90 days.

I have heard learned counsel for the petitioner and perused the impugned order and the paper-book.

Learned counsel for the petitioner submits that the case is pending at Rohtak whereas the petitioner who belongs to Sonapat is posted as a teacher at Palwal. It is further submitted that given only one opportunity, the petitioner would file the written statement, subject to the conditions that may be imposed by this Court.

In view of the above and looking into the facts and circumstances of the case, I am of the view that issuing notice to the respondents would only delay the disposal of the case apart from putting the respondents to unnecessary expenditure. Therefore, the instant petition is being disposed of in the absence of respondents.

The matter is already listed for 26.3.2015 before the trial Court. The instant petition is allowed setting aside the impugned order granting only one opportunity to the petitioner to file written statement, subject to payment of ₹ 20,000/- as costs to be paid to Shiv Kumar, father of minor respondents by way of a demand draft in his name on the date already fixed and further condition that petitioner would file the written statement on the said date itself.

Failing to comply with any of the aforesaid conditions, the instant petition would be deemed to have been dismissed.

February 19, 2015
rishu

(R.P. NAGRATH)
JUDGE