

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1720 of 2015

Date of Decision:11.03.2015

Nasib Chand

... Petitioner

v/s

Bhagwant Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Mukesh Kumar Garg, Advocate
for the petitioner.

Sabina, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 04.12.2014 (Annexure P-3) whereby defence of the petitioner was struck off.

Learned counsel for the petitioner has submitted that the respondent has filed suit for possession of the house in question. The petitioner is in possession of the house in question. In fact, the written statement had been prepared by the counsel for the petitioner but the same could not be signed by the petitioner as his daughter was admitted in the hospital. Learned counsel has submitted that now the case is listed before the Trial Court for 25.03.2015 and on the said date, the petitioner shall file his written statement.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to grant one opportunity to the petitioner to enable him to file his written statement. In case the petitioner is not permitted to file the written statement, he will not be able to defend the case.

Accordingly, this petition is allowed. Impugned order dated 4.12.2014 (Annexure-P3) is set aside. Petitioner is directed to file his written statement on 25.03.2015, the date fixed before the Trial Court, subject to payment of Rs.10,000/- as costs. Costs be deposited with the Legal Services Authority, Patiala. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

(SABINA)
JUDGE

11.03.2015
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