

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1722 of 2015
Date of Decision: 11.3.2015.**

Gram Panchayat

.....Petitioner

Versus

Sukhdev Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Dinesh Kumar, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the orders dated 8.11.2013 whereby defence of the petitioner was struck off.

Respondent No. 1 has filed suit for permanent injunction.

Learned counsel for the petitioner has submitted that in July 2013, Gram Panchayat elections were held and, thereafter, new Gram Panchayat was formed. The present *panchayat* came to know about the pendency of the civil suit and other cases only in October 2014. In fact, earlier Sarpanch had colluded with respondent No. 1 and had not filed the written statement in time. After coming to know about the pendency of the suit, the petitioner-Gram Panchayatr collected the relevant documents and has filed the present petition.

Learned counsel for the petitioner has submitted that so far issues have not been framed by the Trial Court and case is pending before the Trial Court for consideration of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908. The case is now listed before the Trial Court for 20.3.2015 and the petitioner-Gram Panchayat shall file its written statement on the said date. Plaintiff had filed the suit basing his claim on a stay order granted by this Court in Civil Writ Petition No. 11618 of 2004 whereas the said petition was dismissed on 7.10.2006.

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-Gram Panchayat to file its written statement. In case the petitioner-Gram Panchayat is not permitted to file its written statement, the suit filed by respondent No. 1, would be decided undefended and cause of justice will suffer.

Accordingly, this petition is allowed. Impugned order dated 8.11.2013 is set aside. Petitioner is permitted to file its written statement on 20.3.2015, the date fixed before the Trial Court, subject to payment of ₹ 5,000/- as costs. Costs be deposited with District Legal Services Authority, Sangrur. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

March 11, 2015
Gurpreet