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

CR No.2110 of 2015 (O&M)

Date of decision: March 25, 2015

Gram Panchayat

.....Petitioner

Versus

Smt. Kamla and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 17.01.2015, whereby defence of the petitioner was struck off.

Impugned order reads as under:-

“Today case was fixed for filing written statement by defendant No.1 Perusal of the file shows that defendant No.1 has appeared in the court on 05.09.14. Stipulated period of 90 days has expired long time back and no reasonable explanation has been given for non-filing of written statement. As such, defence of defendant No.1 is hereby struck off. Aws be produced on 21.02.15.”

Learned counsel for the petitioner has submitted that initially the Sarpanch had appeared on behalf of the Gram Panchayat and defendants No.2 and 3 had also appeared in person. Thereafter, on 21.03.2014, defendants No.2 and 3 made statements that they will not interfere in the

disputed property in any manner. Consequently, suit qua defendants No.2 and 3 was got dismissed as withdrawn by the petitioner. Thereafter, counsel for the Gram Panchayat appeared before the trial Court on 27.11.2014. The delay in filing the written statement had occurred due to the above said reasons and was not intentional. However, now the case is listed before the trial Court for 27.03.2015 and petitioner will file its written statement on the said date.

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 it to file its written statement. In case, the Gram Panchayat is permitted to file its written statement, the *lis* between the parties will be disposed of on merits.

Accordingly, this petition is allowed. Impugned order dated 17.01.2015 is set aside. Petitioner is permitted to file its written statement before the trial Court on the date fixed.

A copy of this order be given to the learned counsel for the petitioner under the signatures of Bench Secretary.

**(SABINA)
JUDGE**

March 25, 2015
m.singh