

101-2

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

CR No.2508 of 2015

Date of decision: July 22, 2015

Harpal Singh

.....Petitioner

Versus

Ranjit Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Sharma, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 30.01.2015.

Learned counsel for the petitioner has submitted that the petitioner has been arrayed as defendant No.16 in the suit filed by respondent No.1. In fact, the suit has been filed against twenty persons. Although, sufficient opportunity was granted to the petitioner to enable him to file his written statement but the petitioner had failed to file the written statement as he was under the belief that he could file the written statement after the service of all the defendants was completed. Now, the case is listed before the trial Court for 18.08.2015 and petitioner be permitted to file his written statement on the said date. Learned counsel has further submitted that after the filing of counter claim by some of the defendants, now the case is listed before the trial Court for

consideration qua issues.

In the present case, respondent No.1 has filed suit for declaration. Although, petitioner was granted sufficient opportunity by the trial Court to enable him to file his written statement but he had failed to do so.

During the course of arguments, it has transpired that now, the case is listed before the trial Court for consideration on issues. In these circumstances, in case, the petitioner is permitted to file his written statement on the date fixed before the trial Court, he will be able to put up his defence and the trial Court would be in a better position to dispose of the suit in a more effective manner and on merits.

Accordingly, this petition is allowed. Petitioner is permitted to file his written statement before the trial Court on the date fixed, i.e. 18.08.2015, subject to payment of ₹10,000/- as costs. Costs be deposited with the District Legal Service Authority. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

July 22, 2015
mahavir