

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2534 of 2015
Date of Decision: 10.4.2015.**

Fattu Ram

.....Petitioner

Versus

Parkash Chand and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Tushant Deep Garg, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 4.12.2014 (Annexure P-1) whereby defence of the petitioner was struck off.

Learned counsel for the petitioner has submitted that petitioner is confined in Central Jail, Patiala and could not file the written statement within the prescribed period. Learned counsel has further submitted that now the case is listed before the Trial Court for 22.4.2015 and petitioner shall file his written statement on the said date.

Respondents have filed suit for specific performance of agreement to sell in question. Initially, son of the petitioner had moved an application that he be appointed as a guardian of the petitioner as he (petitioner) was not mentally sound. However, the said application was dismissed by the Trial Court vide order dated 9.10.2014. It appears that since the petitioner is confined in

Central Jail, Patiala, he could not file the written statement within the prescribed period. In case petitioner is not permitted to file his written statement, he will be denied the opportunity to put up his defence and would suffer an irreparable loss.

Accordingly, this petition is allowed. Impugned order dated 4.12.2014 (Annexure P-1) is set aside. Petitioner is permitted to file his written statement before the Trial Court on the date fixed i.e. 22.4.2015 subject to payment of ₹ 2500/- as costs. Costs be deposited with Legal Services Authority, Samana. Thereafter, the Trial Court shall proceed further with the case, in accordance with law.

**(SABINA)
JUDGE**

April 10, 2015
Gurpreet