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

**CR No.2704 of 2014 (O&M)**

**Date of decision: April 27, 2015**

Smt. Kailash

.....Petitioner

Versus

Bhola alias Rahul and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. P.S. Jammu, Advocate  
for the petitioner.

Mr. S.K. Verma, Advocate  
for the respondent No.1.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 14.02.2013, whereby defence of the petitioner, was struck off.

Learned counsel for the petitioner has submitted that, although, sufficient opportunity was granted to the petitioner to file her written statement, but she could not do so despite due diligence. Learned counsel has submitted that the petitioner shall adopt the written statement filed by respondent Nos.2 and 3.

Learned counsel for the respondent No.1, on the other hand has opposed the petition.

In the present case, respondent No.1 has filed suit for declaration that he was owner-in-possession of the suit land alongwith defendant Nos.1 to 3 being adopted son of Raghbir Singh. Although, petitioner had failed to file the written statement despite opportunity, but now the petitioner wants to adopt the written statement filed by respondent Nos.2 and 3.

In these circumstances, in case, the prayer made by the petitioner is allowed, the plaintiff will not suffer any prejudice.

Accordingly, this petition is allowed. Petitioner is permitted to adopt the written statement filed by respondent Nos.2 and 3-defendant Nos.2 and 3.

**(SABINA)  
JUDGE**

**April 27, 2015**  
*m.singh*