

114

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

CR No.3090 of 2015 (O&M)

Date of decision: May 07, 2015

Kirpal Singh @ Gurpal Singh @ Bir Singh

.....Petitioner

Versus

Harpreet Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. N.K. Vadehra, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 28.01.2015.

Learned counsel for the petitioner has submitted that, although, the petitioner had handed over the relevant documents to his counsel, but the written statement has not been filed within the stipulated period as he had been advised by his counsel that an application for appointment of local commissioner would be filed as the dispute relates to a passage/street. Learned counsel has further submitted that now the case is listed before the trial Court for plaintiff's evidence on 28.05.2015 and petitioner will file the written statement on the said date. Learned counsel has further submitted that so far plaintiff has not led his evidence before the trial Court.

Respondent has filed suit for permanent

injunction. In view of the submissions made by learned counsel for the petitioner, it would be just and expedient to grant one opportunity to the petitioner to enable him to file his written statement. In case, petitioner is permitted to file his written statement, the *lis* between the parties will be disposed of on merits.

Accordingly, this petition is allowed. Order dated 28.01.2015 is set aside. Petitioner is permitted to file his written statement before the trial Court on 28.05.2015, the date already fixed before the trial Court, subject to payment of ₹2,500/- as costs. Costs be deposited with the Legal Services Authority, Batala. Thereafter, the trial Court shall proceed further with the case in accordance with law.

**(SABINA)
JUDGE**

May 07, 2015

m.singh