

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

CR No.1601 of 2017.

Date of Decision: 06.03.2017.

Gram Panchayat village Malwal Jadid

....Petitioner.

VERSUS

Lovedeep Kumar Kapil

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

SNEH PRASHAR, J.

The petitioner is aggrieved by the order dated 19.12.2016 passed by learned Civil Judge (Junior Division), Ferozepur vide which its defence was struck off by learned trial Court observing that despite grant of sufficient opportunities, the petitioner-defendant had failed to file its written statement.

The submissions made by Mr. R.S. Sekhon, learned counsel for the petitioner have been considered.

Learned counsel for the petitioner submits that his counsel could not file the written statement due to death of his close friend Mr. Balkar Singh Virk, Advocate. Absence of pleadings will debar the petitioner from putting forth its defence and from adducing evidence in support of the same and it will suffer an irreparable loss. With the above submission, learned counsel prays for one opportunity for filing of written statement by

the petitioner.

To avoid unnecessary delay in disposal of the case, in my considered opinion, notice to the respondent in the light of prayer made by counsel for the petitioner-defendant is not required to be issued. Respective pleadings of the parties are always necessary and helpful to the Court for deciding the matter in dispute between the parties completely and effectively.

Thus, considering all aspects, one opportunity is given to the petitioner to file the written statement, subject to payment of Rs.3000/- as costs which shall be deposited by the petitioner with the Legal Aid Authority. Accordingly, the instant revision petition is allowed. Only one opportunity for filing written statement will be given to the petitioner by learned trial Court. In case the written statement is not filed on the date fixed, no further opportunity shall be accorded.

(SNEH PRASHAR)
JUDGE

06.03.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**