

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

CR No.2322 of 2017

Date of Decision:-30.03.2017

Ravinder Singh

...Petitioner

Versus

Smt. Kesar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Petitioner-Ravinder Singh, who is defendant No.11 in the suit filed by the respondents-plaintiffs seeking separate possession by way of partition, has filed the present revision petition against the order dated 01.3.2017 passed by learned Additional Civil Judge (Sr. Divn.), Fatehabad.

Vide order dated 1.3.2017, the defence of the petitioner-defendant No.11 has been struck off primarily, on the ground that statutory period of 90 days had already expired from the date of appearance and no written statement was filed within this period.

Counsel for the petitioner has argued that suit is in the nature of partition and there are as many as 31 defendants have been arrayed in the suit. Service on all the respondents-defendants is not yet complete. In this manner, no prejudice is going to be caused to the respondents-plaintiffs in

case one more opportunity is granted to petitioner-defendant No.11 to file his written statement.

I have heard learned counsel for the petitioner and perused the records.

The record reveals that the case is at the initial stage and, therefore, if one more opportunity is granted to the petitioner-defendant No.11, no prejudice is going to be caused to the respondents-plaintiffs in any manner.

Accordingly, the present petition is disposed of with the observation that in case the petitioner-defendant No.11 files his written statement within 15 days, the trial Court shall accept his reply. However, it would be subject to cost of Rs.5000/-, to be deposited with the Haryana State Legal Services Authority.

March 30, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No