

Civil Revision No.2573 of 2017 (O&M)

Decided on: April 17, 2017

KARAMJIT KAUR

....PETITIONER

VERSUS

RANJIT KAUR & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagmeet Singh Moudgill, Advocate

JASPAL SINGH, J (ORAL)

CM No. 7917-CII of 2017

Application is allowed, as prayed for.

Main Case

By virtue of instant petition preferred under Article 227 of the Constitution of India, petitioner has sought the setting aside of order dated February 22, 2017 passed by learned Additional Civil Judge, Sr. Division, Sangrur (Annexure P-2) in civil suit No. 138 of 2015 titled as ***Ranjit Kaur vs.***

Undoubtedly, petitioner appeared and joined the proceedings before learned trial Court on May 05, 2016 and subsequent thereto, she availed sufficient opportunities. However, she filed an application under Order VII Rule 11 of the Code of Civil Procedure (for short 'Code') on 27.09.2016, which was dismissed on January 24, 2017. Thereafter, petitioner was granted an

opportunity to file written statement on February 22, 2017 but on that date, she failed to furnish the written statement as a result whereof, her defence was struck off vide impugned order. After the dismissal of application under Order VII Rule 11 of the Code, petitioner was required to be given sufficient time by the learned trial Court, to file written statement.

Thus, this Court is of the considered view that it would be justifiable or in the interest of justice that petitioner be accorded an effective opportunity to file written statement. Accordingly, instant petition is allowed and learned trial Court is directed to accord an effective opportunity to the petitioner to file written statement. Since, this order has been passed in the absence of respondents, in case they feel aggrieved by this order they are at liberty to approach this Court.

APRIL 17, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***