

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

113

CR No.2866 of 2017
Date of Decision:22.12.2017

Sheetal Dass Mahant

...Petitioner

Versus

Gram Panchayat Village Bhasmara and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Jain, Advocate
for the petitioner.

Mr. Vishal Sharma Haritwal, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Defendant No.1-petitioner is in the revision petition against the order dated 14.12.2016 where defence of defendant No.1 was struck off.

Learned counsel for the petitioner has submitted that the written statement could not be filed as petitioner-defendant No.1 was undergoing a treatment. He has relied upon the medical records, which have been annexed with the petition as Annexures P-3 to P-7. He submits that the petitioner undertake to file the written statement within 15 days, if an opportunity is granted.

Striking off defence should not normally be resorted to unless the Court is left with no other choice. The Court must first of all must make an endeavour and secure the written statement by granting last opportunity and imposing cost. Striking off defence is a serious matter.

The suit is with regard to immovable property. The suit was filed on 12.10.2015.

In the considered opinion of this Court, the order passed by the learned trial Court is harsh and deserve to be modified.

Defendant No.1 is granted one opportunity to file the written statement, subject to payment of cost of Rs.10,000/-. The written statement be filed within a period of 10 days time from the date of receipt of certified copy of the order.

Hence, this revision petition is disposed of.

22.12.2017
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No