

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

CR No.3542 of 2017 (O&M)
Date of decision: May 16, 2017

Municipal Corporation

....Petitioner

Versus

Laxmi Devi and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Ruchita Garg, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside the order dated 10th January, 2017 (Annexure P-3) passed by Civil Judge (Senior Division), Faridabad whereby the defence of the petitioner/defendant has been struck off.

The contention of learned counsel for the petitioner is that on receipt of notice, the counsel was engaged by the petitioner and the necessary documents were supplied to him for filing the written statement. However, subsequently, it came to the notice that though learned counsel continued to appear in the Court but he did not file the written statement. As a result whereof, the defence of the petitioner/defendant has been struck off.

Learned counsel further contends that the impugned order is against the well settled principles of law because by way of striking off the defence, a valuable right of the party to contest the proceedings/defend the case is taken away. Now the suit is listed before the trial Court for 29.05.2017. Moreover, written statement is ready in

case an opportunity is afforded to the petitioner to file it after setting aside the impugned order, the same shall be filed in the Court on the date fixed.

After hearing learned counsel for the petitioner and perusal of the record available on file, this Court is of the considered view that the petitioner deserves an opportunity to file the written statement and to defend its case.

Accordingly, the impugned order dated 10.01.2017 is *set aside*. The trial Court is directed to place on record the written statement on the date fixed i.e. 29.05.2017 to be filed by the petitioner.

Since this order has been passed in the absence of respondents, if they feel so aggrieved, they shall be at liberty to approach this Court.

May 16, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No