

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

131

CR No.4451 of 2017
Date of decision: 07.12.2017

Sheela

..... Petitioner

Versus

Barmahnand and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravinder Phogat, Advocate
for the petitioner.

Mr. Jai Vir Yadav, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.2 is in the revision petition against the order dated 04.01.2016, striking off the defence of the defendant and order dated 16.12.2016 refusing to recall that order.

It is not disputed that defendant No.2 appeared before the Court on 18.09.2015 and the Court struck off the defence of defendant No.2 on 04.01.2016 on the ground that sufficient opportunities have been granted but no written statement has been filed.

I have heard learned counsel for the parties at length and with their able assistance gone through the documents produced before me.

No doubt, it is commendable for the Courts to make sincere endeavour to dispose of the suits on an early date. However, at the same time, the Courts have to be conscious of the fact that sometimes it is

difficult to strictly adhere by the time as prescribed by the Code of Civil Procedure.

Taking into consideration the fact that the suit is for specific performance of the agreement to sell with respect to the agricultural land, this Court is of the opinion that petitioner-defendant No.2 deserves to be granted one more opportunity to file her written statement.

In view thereof, the orders dated 04.01.2016 and 16.12.2016 are set aside. Petitioner would be granted 15 days time to file the written statement subject to payment of cost of Rs.10,000/-.

Learned counsel for the respondent has informed that counsel for defendant No.2 has already cross-examined the witnesses of the plaintiff. However, he submits that after the filing of the written statement, he may be required to lead further evidence.

Taking into consideration these facts, on the filing of written statement if counsel for the plaintiff makes a prayer for permission to lead evidence, one more opportunity shall be granted.

Revision petition is allowed.

07.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No