

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

CR No.5155 of 2016
Date of decision : 19.09.2017

Kulwant Kaur

...Petitioner

Versus

Simarjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.2 is in revision petition against the order dated 11.07.2016 passed by the Additional Civil Judge (Senior Division), Tarn Taran, striking off the defence of the defendant No.2 on the ground that the written statement has not been filed within time.

On 11.08.2016, notice of motion was issued.

As per the office report, respondent Nos.1 and 2-plaintiffs have been served. However, no one has put in appearance on their behalf.

The suit for permanent injunction, which was filed by the plaintiffs on 10.09.2015, is still pending. The defendant No.2 had put in appearance through counsel on 16.02.2016. Defendant No.1 had filed a written statement. However, prayer was made for further time to file written statement on behalf of the defendant No.2.

Learned trial Court has struck off the defence of the defendant

No.2 on 11.07.2016 due to non filing of the written statement.

Taking into consideration the facts available on the file, I deem it appropriate to set aside the order dated 11.07.2016 passed by the learned trial Court, whereby the defence of the defendant No.2 was struck off due to non-filing of the written statement.

Revision petition is allowed.

Defendant No.2-petitioner is granted 15 days time to file the written statement, which will be subject to the payment of costs of ₹5000/-.

19.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No