

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

**CR No.6298 of 2017
Date of Decision: 15.09..2017**

Custodian Department through Tehsildar Sales, Jhajjar and others
...Petitioners

Versus

Kanwar Bhan and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. R.K.S. Brar, Addl. A.G., Haryana
for the petitioners.
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HARINDER SINGH SIDHU, J.

This revision petition has been filed against the order dated 03.08.2016 striking off the defence of the defendant-petitioners and the order dated 24.04.2017 passed by Civil Judge (Junior Division), Bahadurgarh whereby their application for recalling the aforesaid order has been dismissed.

The plaintiff-respondents filed a suit for declaration that they have acquired the occupancy rights in the agricultural land comprised of Khewat No.51 min/32, Khatoni No.107 land measuring 11 Kanal 0 Marla situated within the revenue estate of village Barkatabad, Tehsil Bahadurgarh, District Jhajjar. The petitioners were served and they put in appearance before the Court on 02.03.2016 and the matter was adjourned to 18.04.2016 to enable them to file written statement. Adjournment was also sought on 25.5.2016 and the matter was adjourned to 05.07.2016 granting last opportunity to file written statement. But written statement was not filed on 05.07.2016 and the case was adjourned to 03.08.2016 again giving another last opportunity. When on 03.08.2016, written statement was not filed the

Learned counsel for the petitioners submitted that the written statement could not be filed because some very old record, which was in Urdu language had to be traced and translated into Hindi. He further states that the lapse on the part of the petitioners in not filing the written statement was not intentional.

Heard learned counsel for the petitioners.

Considering the facts and circumstances of the case, it would be in the interest of justice if the petitioners are given one opportunity to file written statement.

Accordingly, the revision petition is allowed. The orders dated 03.08.2016 and 24.04.2017 are set aside. The trial Court is requested to grant one effective opportunity to the petitioners to file written statement subject to payment of Rs.20,000/- as compensatory costs to the respondents.

The present petition is disposed of without issuing notice to the respondents as that may not only delay the proceedings but also burden them with unnecessary expenditure. However, if the respondents feel aggrieved of this order, they are at liberty to file an application for recalling the same.

15.09.2017
Atul

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No