

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1319-2017 (O&M)

Date of decision : 15.2.2018

Radha Kishan and others

..... Petitioners

Versus

Smt. Bimla Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shakti Kaushik, Advocate for the petitioners.

Mr. Inderjeet Singh, Advocate for respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present petition is the order dated 16.12.2016 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, vide which for non filing of the written statement and reply to the injunction application, the defence of defendants was struck off.

Learned counsel for the petitioners states that petitioners have put in appearance on 22.7.2016. The written statement was not filed for approximately five months. He further states that due to certain difficulties in procuring the record, the written statement could not be filed within a statutory period of 90 days. He seeks one more opportunity to file the written statement, subject to payment of costs.

In view of the fact and the controversy involved, this Court is of the view that the matter needs to be decided on merits, after getting the version of the defendants. Therefore, the present revision petition is allowed and order dated 16.12.2016 (Annexure P-1), passed by learned Additional Civil Judge (Senior Division), Yamunanagar at Jagadhri is set aside. Petitioners are allowed to file the written statement within a period of two weeks from today, subject to payment of costs of Rs. 20,000/- to be paid to the plaintiffs for causing the delay.

(KULDIP SINGH)
JUDGE

15.2.2018

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Whether speaking / reasoned
Whether Reportable:

Yes
No