

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.192 of 2018

Date of Decision.15.01.2018

Umed and another

.....Petitioners

Vs

Ramesh and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sansar Kundu, Advocate
For the petitioners.

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AMIT RAWAL J.(ORAL)

The petitioners-defendants are aggrieved against the impugned order 20.09.2017 whereby their defence has been struck off on account of non-filing of written statement.

Mr. Kundu, learned counsel appearing on behalf of the petitioners submits that in the suit claiming possession over the gair mumkin plot bearing khasra/rect No.601 (0-5) measuring 0-5 marlas comprised in khewat No.629 khatoni No.698 vide jamabandi for the year 2013-14 and mutation of inheritance sanctioned and attested at Sr. No.2202 dt. 8.3.2016 situated within the *abadi deh* of village Radhana, Tehsil and District Jind, which is in unauthorized possession of defendants by way of constructing a house thereon, the petitioners-defendants, moved an application under Order 7 Rule 11 CPC, which was allowed vide order dated 25.08.2017 (Annexure P-2). The respondents-plaintiffs filed the court fee and the case was adjourned to 20.09.2017 for filing the written statement but the petitioners-defendants wrongly noted the date of hearing as 20.10.2017, resulting into aforementioned

factum. It is in this backdrop of the matter, the present revision petition has been filed.

I have heard learned counsel for the petitioners and appraised the paper book. Without going into the merits of the case, I am of the view that the petitioners-defendants should have been granted one more opportunity for filing the written statement subject to payment of costs of ₹5000/- which shall be condition precedent. If the costs is not paid as directed, the orders passed already by the courts below shall stand restored. The petitioners-defendants shall file the written statement on the next of hearing before the Court below i.e. 20.01.2018 as informed by the counsel for the petitioners.

In view of the aforementioned fact and in order to defray the cost of litigation and save the time of the Court, I deem it appropriate to set aside the orders under challenge and allow the revision petition by dispensing with notice to the respondents.

(AMIT RAWAL)
JUDGE

January 15, 2018
Pankaj*

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No