

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

CR No. 5979 of 2018 (O&M)
Date of Decision: 10.09.2018

Harprabhjot Singh Sidhu

.....Petitioner

Versus

Jasbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Nitesh Singhi, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 09.01.2018 passed by the Additional Civil Judge (Senior Division), Mohali (for short, the Trial Court) through which defence of the petitioner has been struck off.

A perusal of the record reveals that respondent Nos.1 to 3 had filed a suit seeking therein to be declared owners/bonafide purchasers of House No.1009, Sector-77, Mohali (for short the suit property); that the registered sale deed dated 21.10.2015 pertaining to the suit property be held to be valid and binding on the defendants in the suit and for permanent injunction to restrain the defendants in the suit from interfering in the peaceful possession of respondent Nos.1 to 3/plaintiffs. Upon notice, on 03.10.2017 the petitioner, who was defendant No.4 in the suit, appeared before the Trial Court and even after grant of four opportunities, when he failed to file his written statement, through the order dated 09.01.2018, the Trial Court struck off his defence, occasioning the filing of the present

petition.

Learned counsel for the petitioner submits that the petitioner could not file his written statement in time due to a communication gap between himself and his counsel. He further undertakes to file his written statement within one week from today on compensating respondent Nos.1 to 3, with costs to be assessed by this Court.

Without commenting on the reasons given by learned counsel for the petitioner for having not filed his written statement but in line with the principles of natural justice as also for the reason that at very initial stage of the suit, the petitioner may not be precluded from raising his defence and compensating plaintiffs/respondent Nos.1 to 3 with costs of ₹30,000/- to be equally shared amongst them, I deem it just and proper to set aside the impugned order dated 09.01.2018 and grant one week's time to the petitioner to file his written statement before the Trial Court.

The present petition is allowed in the above terms.

If the respondents are aggrieved by passing of this order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

10.09.2018
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No