

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.6295 of 2017

Date of Decision: 27.02.2018

The State of Haryana & ors.

... Petitioners

Versus

Jagbir Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Dr. Sushil Gautam, DAG, Haryana,
for the petitioners.

RAMENDRA JAIN, J.(Oral)

In compliance of order dated 15.01.2018, costs has been paid.

Original receipt produced.

In compliance of order dated 15.09.2017, interim orders passed by the trial Court produced in Court today, are taken on record.

Through the instant petition under Article 227 of the Constitution of India, prayer has been made for setting aside order dated 10.03.2017 of the trial Court, striking off the defence of the petitioners on account of non-filing of written statement by them despite availing several opportunities including imposition of costs and last opportunity.

Learned State counsel fairly admitting their negligence submitted that show cause notices have already been issued to the erring officials for not filing written statement in time. In the interest of justice, one opportunity may be granted to the petitioners to file their written statement.

Having given thoughtful consideration to the submission made by learned State counsel, but without commenting on merits, the impugned order dated 10.03.2017 of the trial Court is set aside. In the interest of justice, the State is granted one opportunity to file its written statement,

subject to payment of costs of ₹10,000/-, to be deposited with the Member Secretary, District Legal Services Authority, Bhiwani.

It is made clear that if the costs is not paid, this order shall stand automatically cancelled and this petition would be treated to have been dismissed in limine.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

27.02.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No