

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

CR No.6922 of 2017 (O&M)

Date of decision : January 16, 2018

Sant Baba Sewa Singh Memorial Trust and others Petitioners

Versus

Gurudwara Prabhandak Committee

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Maini, Advocate for the petitioners.

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)

CM-744-CII-2018

Application is allowed as prayed for.

Interim orders from 01.04.2016 to 03.01.2018 passed by learned Civil Judge (Jr. Divn.), Chandigarh are taken on record as Annexure P-12(Colly).

Main Case

Heard.

Learned counsel for the petitioners contends that previously the suit remained pending for decision of the application filed under Order 1, Rule 10 CPC.

A perusal of the interim orders shows that after the filing of the application under Order 1, Rule 10 CPC, last opportunity was granted to the present petitioners-defendant Nos.1 to 6 to file written statement for 28.07.2017, then for 11.08.2017 and then for 22.08.2017. Consequently, defence evidence was struck off by the learned Civil Judge (Jr. Divn.),

Chandigarh, vide order dated 29.08.2017.

Learned counsel for the petitioners without arguing the case on merits seeks one opportunity to file written statement, subject to payment of costs.

A perusal of the plaint shows that it is a dispute regarding the management of Gurudwars, offerings and other funds being managed by the management committee. Though, the trial court was absolutely justified in striking of the defence evidence, but keeping in view the controversy, this Court is of the opinion that one opportunity should be granted to the petitioners-defendant Nos.1 to 6 to file written statement, subject to payment of heavy costs.

Accordingly, without issuing notice to the respondents, petitioners-defendant Nos.1 to 6 are given one opportunity to file written statement within 10 days from today, subject to the payment of costs of Rs.10,000/- payable to the respondents-plaintiffs.

The present revision petition is, accordingly, allowed.

(KULDIP SINGH)
JUDGE

January 16, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No