

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

Sr. No.132

CR-7057-2018

Date of decision: 23.10.2018

Sunita

....Petitioner

versus

Relu Ram and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 24.09.2018 passed by the Civil Judge (Junior Division), Jagadhri (for short- 'the Trial Court'), striking off the petitioner's defence for the reason that the petitioner had not filed his written statement even after 90 days of his appearance.

After hearing learned counsel for the petitioner and having gone through the record of the case, the relevant facts which have emerged are that the petitioner was granted four opportunities to file her written statement which remain unavailed of. Learned counsel for the petitioner has submitted that on the date of the impugned order and for a few days prior thereto her counsel before the Trial Court was unwell and therefore, on the day the impugned order was passed, she could not file her written statement. He submits that subject to payment of reasonable costs, the petitioner be granted only one opportunity to do the needful.

In line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising her defence at the initial stage of the trial, subject to payment of ₹20,000/- as costs, which the petitioner shall pay to the respondents/plaintiffs, the impugned order is set aside and the petitioner is granted one week from today to file her written statement.

The petition is allowed in the above terms.

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

(DEEPAK SIBAL)
JUDGE

October 23, 2018
Jyoti 1

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