

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

Sr. No.236

CR No.4765 of 2018 (O&M)

Date of decision: 17.12.2019

Kulwinder Kaur

....Petitioner

versus

Sulakhan Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Pawan Attri, Advocate
for respondents No.1 and 2.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 21.02.2018 passed by the Civil Judge (Junior Division), Pehowa, (for short – the Trial Court) through which the petitioner's defence has been struck off.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondents No.1 and 2 filed a suit seeking therein to declare sale deed dated 24.06.2016; mutation entered on the basis thereof and subsequent revenue entries reflected in the jamabandies as null and void. The petitioner/defendant was further sought to be restrained from forcibly dispossessing respondents No.1 and 2 from the property detailed and described in para No.1(i) to 1(iii) of the plaint (for short – the suit property).

On being put to notice, the petitioner appeared before the Trial Court on 24.01.2018 and since by 21.02.2018 she had not filed her written

statement, the Trial Court struck off the petitioner's defence. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the parties have been heard.

A perusal of the afore-stated facts, which are undisputed, reveal that the petitioner was not even granted one months time to file the written statement.

In view of the above fact and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising her written defence at the threshold of the litigation that she faces, the impugned order is set aside and the petitioner is granted 10 days time to file her written statement.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

December 17, 2019

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No