

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 111

Case No. : C. R. No. 1350 of 2019

Date of Decision : February 27, 2019

Bharpur Singh Petitioner

vs.

Parkash Singh and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Karan Gupta, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 07.01.2019 passed by the Additional Civil Judge (Senior Division), Jagraon (for short – the Trial Court), through which permission sought by the petitioner to file replication to the written statement filed by respondent no. 1 has been declined.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that the petitioner filed a suit seeking therein joint possession of land measuring 13 kanals 10 marlas, detailed and described in the head note of his plaint, by way of specific performance of the agreement to sell dated 31.12.2014 allegedly executed by respondent no. 1 in favour of the petitioner.

On being put to notice, respondent no. 1 appeared before the

Trial Court on 22.05.2018 and filed his written statement. Thereafter, the matter was adjourned to 16.07.2018, on which date the petitioner did not file his replication to the written statement filed by respondent no. 1. On 16.07.2018 itself, the Trial Court framed the issues and adjourned the matter to 05.09.2018, on which date the petitioner filed an application seeking permission of the Court to file replication to the written statement filed by respondent no. 1. Such application was dismissed through the order impugned in the present revision petition.

Learned counsel for the petitioner has been heard.

The facts on record reveal that on 22.05.2018, respondent no. 1 filed his written statement and the matter was adjourned to 16.07.2018, on which date the petitioner did not file his replication. On 16.07.2018 itself, the Trial Court framed the issues and adjourned the matter to 05.09.2018, on which date the petitioner filed an application seeking permission of the Court to file replication to the written statement filed by respondent no. 1. Thus, after respondent no. 1 had filed his written statement, only on one occasion the petitioner failed to file his replication as on the very next date, he filed an application seeking permission of the Court to place on record his replication.

In the light of the above facts, the order of the Trial Court rejecting the petitioner's application is found to be harsh.

Accordingly, subject to payment of costs of Rs.5,000/- by the petitioner to respondent no. 1, the impugned order is set aside and the petitioner is permitted to file replication to respondent no.1's written

statement.

The present 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

February 27, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>