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

**CR No.1685 of 2019
Date of Decision : 09.04.2019**

Gram Panchayat, Asaoti through Sarpanch

Petitioner

Versus

Bheem Singh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Hooda, Advocate
for the petitioner.

Mr. S.K. Rana, Advocate
for respondent No.1.

AVNEESH JHINGAN, J (Oral)

Aggrieved of order dated 31.07.2018 passed by the Civil Judge (Sr. Division), Palwal [hereinafter referred to as 'the Civil Court'], striking off the defence of the petitioner/defendant [hereinafter referred to as 'petitioner'], the present Civil Revision Petition has been filed.

The facts in brief are that respondent/plaintiff [hereinafter referred to as 'respondent'] filed a suit for declaration and permanent injunction over a *Panchayat* land, on the basis of receipt issued by previous *Sarpanch* of *Gram Panchayat*, seeking declaration that the respondent is owner. The *Gram*

Panchayat had issued notice under Section 24 of the Haryana Panchayati Raj Act, 1994 for vacating the portion of land illegally encroached by the respondent. Thereafter, a suit was filed. On notice, the *Gram Panchayat* failed to file written statement and its defence was struck off.

Learned counsel for the petitioner contends that the respondent approached the *Sarpanch* of the *Panchayat* and asked time for vacating the encroached portion of land and for the said reason, instructions could not be given to counsel to file reply.

Learned counsel for the respondent argues that, inspite of availing three opportunities, petitioner did not file written statement.

Considering the facts of the case that the issue involved in the suit is with regard to *Panchayat* land, an opportunity should be granted to the *Gram Panchayat* to defend the public land.

The impugned order is set aside. The petitioner shall file its written statement within three weeks.

The Civil Revision Petition is disposed of, accordingly.

[AVNEESH JHINGAN]
JUDGE

April 09, 2019

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |