

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

256-A

CR No.3618 of 2019

Date of decision : 19.09.2019

The Executive Engineer Mahendergarh Canal Water Services Division
Mahendergarh

... Petitioner

Versus

Ragbir Singh Contractor and others

.. Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present : Mr.Devender Nirban, Advocate
for the petitioner.
Mr.Gagandeep Singh Virk, Advocate for respondent No.2.
Mr.R.S.Sangwan, Advocate for the respondents.

Ritu Bahri, J. (Oral)

Present revision petition has been filed by the Executive Engineer Mahendergarh Canal Water Services Division Mahendergarh against the order dated 19.03.2019 passed by learned Civil Judge (Jr.Divn.) Mahendergarh whereby the defence of the petitioner has been struck off.

A perusal of the impugned order shows that written statement has not been filed after lapse of 90 days. The plaintiff has filed the suit for mandatory injunction directing the defendants for making balance payment by passing final bills. The suit was filed in the year 2018.

A correct decision can only be given if the stand of the petitioner is presented before the trial court.

This petition is allowed and the impugned order dated 19.03.2019 passed by learned Civil Judge (Jr.Divn.) Mahendergarh is being set aside. One effective opportunity is granted to the petitioner to file written statement subject to payment of Rs.5000/- as costs to be deposited with the Punjab State Legal Services Authority.

**[RITU BAHRI]
JUDGE**

19.09.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No