

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 117

Case No. : C. R. No. 4813 of 2019 (O&M)

Date of Decision : August 21, 2019

Navjot Singh Petitioner

vs.

Pritam Singh Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Sahil Gambhir, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 15.05.2019 passed by the Civil Judge (Junior Division), Ambala (for short – the Trial Court) striking off the defence of the petitioner for non-filing of written statement by him within the stipulated period of three months.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that the respondent filed a suit seeking therein to declare agreement to sell dated 22.05.2018 regarding land measuring 12 kanals comprising of Khasra No. 23//3(8-0), 23//4(4-0), situated at Village Dubli, Sub Tehsil Saha, District Ambala as null and void as according to the respondent, the same was a result of fraud and misrepresentation. Permanent Injunction to restrain the petitioner, who was defendant in the suit, from interfering in the peaceful possession of the respondent/plaintiff over the suit property was also sought.

On being put to notice, the petitioner appeared before the Trial

Court on 09.01.2019 but when till 15.05.2019, he failed to file his written statement, the Trial Court struck off his defence through the order under challenge in the present petition.

Learned counsel for the petitioner submits that the petitioner is a farmer and due to a gap in communication between him and his counsel appearing for him before the Trial Court, he could not file his written statement in time. Learned counsel prays for the grant of one opportunity to the petitioner to file his written statement.

After considering the above submissions and in line with the principles of natural justice as also for the reason that the petitioner may not be precluded from raising his defence at the threshold of the litigation which he is facing, subject to payment of Rs.10,000/- as costs to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted 10 days time to file his written statement before the Trial Court.

The present revision petition is allowed in the above terms.

The Trial Court shall ensure that the costs awarded through the present order go into the account of the respondent.

If the respondent is aggrieved by passing of the present order, he is at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

August 21, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>