

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 109

Case No. : C. R. No. 5387 of 2019

Date of Decision : September 04, 2019

Manjit Singh Petitioner
vs.
Gurdat Singh Sidhu and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Ravish Bansal, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 20.07.2019 passed by the Civil Judge (Junior Division), Bathinda, through which the petitioner's defence has been struck off for the reason that after having put in appearance, he did not file his written statement within the prescribed period of 90 days.

Respondents no. 1 to 3 filed a suit seeking therein to injunct the petitioner as also respondent no. 4 from interfering in their peaceful possession of a plot measuring 224.33 sq. yds. detailed and described in the head note of their plaint (for short – the suit property) .

On being put to notice, the petitioner appeared before the Trial Court on 04.02.2019 but since he did not file his written statement till 20.07.2019, through order dated 20.07.2019, the Trial Court struck off his

defence. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the petitioner submits that there is some other litigation also pending between the parties and in the confusion caused due to multiple litigation being faced by his client, there was some miscommunication between the petitioner and his counsel appearing for him before the Trial Court resulting in non-filing of the written statement. It is further submitted that petitioner's written statement has been appended with the present petition as Annexure P-3 and if this Court permits, the same can be filed before the Trial Court at any time.

The delay in filing of the written statement by the petitioner is not found to be inordinate. Further, the petitioner has explained that he could not file his written statement because of confusion which had been caused due to multiple litigation being faced by him. The written statement, proposed to be filed by the petitioner, has also been appended with the present petition as Annexure P-3.

In the light of the above facts 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.20,000/- as costs to be paid by the petitioner to respondents no. 1 to 3, the impugned order is set aside and the petitioner is granted one week to file his written statement before the Trial Court.

The Trial Court shall ensure that the costs awarded shall go into the accounts of respondents no. 1 to 3 equally.

The petition stands allowed in the above terms.

If the respondents no. 1 to 3 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

September 04, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>