

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

Sr. No.115

CR-5735-2019

Date of decision: 13.09.2019

Sunita and another

....Petitioners

versus

Neetu and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishal Nehra, Advocate
for the petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 03.07.2019 passed by the Civil Judge (Junior Division) Sonapat (for short – the Trial Court) through which the petitioners' defence has been struck off on the ground that the petitioners, who were defendants No.2 and 3 in respondent No.1's suit had not filed their written statement even after nearly three years of having put in appearance before the Trial Court.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondent No.1 filed a suit seeking therein possession by way of specific performance of agreement to sell dated 04.10.2011. On being put to notice, the petitioners, who were defendants No.2 and 3 in the aforesaid suit, on 20.08.2016, put in appearance before the Trial Court and thereafter, for nearly three years did not file their written statement leading to the passing of the impugned order through which their defence has been ordered to be struck off.

Learned counsel for the petitioners has been heard.

It is not disputed that in pursuance to the notice issued to them,

the petitioners, who were defendants No.2 and 3 in the respondent No.1's suit had appeared before the Trial Court on 20.08.2016 and thereafter, in spite of grant of numerous opportunities did not file their written statement for nearly 3 years i.e. till 03.07.2019.

The explanation given by learned counsel for the petitioners for such inordinate delay was that the petitioners are illiterate and that their counsel did not inform them that they were required to file a written statement. Such an explanation for non-filing of a written statement for nearly 03 years is clearly unacceptable and the same is, therefore, outrightly rejected.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 13, 2019
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No