

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

**CR-6410-2019 (O&M)
Date of decision: 14.10.2019**

Anup @ Rahul (deceased) through LRs

...Petitioner

Versus

Nisha and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Atul Yadav, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 17.08.2019 (Annexure P-3) passed by the Civil Judge (Junior Division), Pataudi, whereby petitioner-defendant No.2 (ii) has not been given opportunity file the written.

A perusal of the impugned order shows that defendant No.2 (ii) (petitioner) put in appearance before the trial Court on 10.05.2019. Defendant Nos.1 and 2 (i) have already filed their written statement in time.

Dispute in the present case is between the close family relatives. Defendant No.2 (ii) being one of the family members cannot be deprived of the opportunity to file written statement.

In the given circumstances of the case, in order to impart complete justice to the parties, this Court deems it appropriate to provide an opportunity to the petitioner-defendant No.2 (ii) to defend his case by filing written statement in accordance with law.

In view of the said fact, the impugned order dated 17.08.2019 (Annexure P-3) is set aside and the trial Court is directed to provide one effective opportunity to defendant No.2 (ii)-petitioner to file her written statement, subject to costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Gurgaon.

Allowed accordingly.

14.10.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No