

CR No.6932 of 2019

Date of Decision: 02.11.2019

District Social Welfare Officer, Sonipat and others

.....Petitioners

Versus

Patasho

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. D.K. Mittal, Deputy Advocate General, Haryana

NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed against the order dated 08.05.2019, passed by the Additional Civil Judge (Senior Division), Ganaur (for short, the trial Court), vide which, the defence of the petitioners was struck off.

Without going into the merits of the case but in the interest of justice, the present revision petition is disposed of and the order dated 08.05.2019 passed by the trial Court is set aside. The petitioners are at liberty to file their written statement within 10 days from today. However, the same is subject to payment of ₹50,000/- as costs to be paid to respondent/plaintiff-Patasho by way of demand draft in her name.

At this stage, learned State counsel pleads for reducing the costs. However, this Court does not deem it proper to reduce the costs in view of:-

- (a) The default party in the present case is the State.
- (b) No written statement was filed within the stipulated period causing delay.

- (c) The order striking off the defence was passed way back on 08.05.2019. Still, the State took almost five months time to file the present revision petition against the said order, thereby, causing further delay.
- (d) Meanwhile, even the issues have been framed and the case is now fixed for evidence of the plaintiff.
- (e) No satisfactory explanation for not filing the written statement within the stipulated period is forthcoming.
- (f) No satisfactory explanation even for further delay of almost five months to file the present revision petition against the said order is forthcoming.
- (g) The delay has caused hardship to the plaintiff, who is seeking injunction against the recovery of pension from her.

Disposed of as above.

(NIRMALJIT KAUR)
JUDGE

02.11.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No