

**In the High Court of Punjab and Haryana at Chandigarh**

**120**

**CR-556-2020 (O & M)**

**Date of Decision: January 27, 2020**

**GURNAM SINGH**

**.....PETITIONER**

**VERSUS**

**GURDIP SINGH AND OTHERS**

**....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Ms. Avinash Mandla, Advocate for the petitioner.

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**ANUPINDER SINGH GREWAL, J (ORAL)**

The petitioner has challenged the orders dated 20.02.2019 and 18.11.2019 whereby the defence of the petitioner has been struck off.

Learned counsel for the petitioner contends that the petitioner had met with an accident and his leg was fractured, therefore, he could not file the written statement in time. She prays that the petitioner may be granted only one opportunity to file the written statement subject to payment of reasonable costs.

Heard.

The respondents-plaintiffs had filed a suit for possession as owner by means of specific performance of agreement to sell dated 07.07.2015 in respect of land measuring 08 kanals. In the application preferred by the petitioner to file the written statement, it has been stated that he had been injured, therefore, he could not file the written statement in time. In the event of the petitioner not being allowed to file the written statement, prejudice would be caused to him.

In view of the limited prayer of the learned counsel for the petitioner to file the written statement, I intend to dispose of this petition without issuing notice to the respondents. It would be in the interest of justice, equity and fair play, if the petitioner is accorded only one opportunity to file the written statement.

Consequently, the petition is allowed and the impugned orders are set aside. The petitioner shall be granted only one opportunity to file the written statement within a period of two weeks from now subject to payment of ₹10,000/- as costs to be paid to the respondent.

If the respondents are aggrieved by the order of this Court, they would be at liberty to approach this Court by filing an appropriate application.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**January 27, 2020**

A.Kaundal

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|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether Reportable         | : | Yes/No |