

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CR No.1426 of 2020

Date of decision:28.02.2020

Tejinder Kaur

... Petitioner

versus

Balwinder Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Ashok Goyal, Advocate,
for the petitioner.

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that though undoubtedly more than 90 days have passed after the petitioner-defendant no.1 was shown to be served of the notice issued in the suit filed by the respondent-plaintiff, she had first been shown to be so served only on 19.05.2019, with the impugned order having been passed on 29.10.2019.

He further submits that defendant no.2 in fact is the son of the petitioner, who has duly filed his written statement, to which a replication has also been filed; but thereafter between 29.10.2019 no effective proceedings have taken place, with only arguments on the application filed under Order 39 Rules 1 and 2 of the CPC to be addressed by the parties on the next date of hearing, i.e. March 23, 2020.

Subject to that contention being correct and the petitioner paying costs of Rs.5000/-, without even issuing notice to the respondents at this stage, the petition is allowed with the petitioner permitted to file her

written statement within 10 days from today, failing which it shall not be taken on record.

Naturally, since the petition has been allowed without issuing notice to the respondents, in case respondents are aggrieved of such order, they would be at liberty to file an appropriate application in this very petition itself.

28.02.2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No