

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 03.03.2020****CR No.1456 of 2020 (O&M)**

Karam Singh

...Petitioner

Vs.

Nachhater Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sumeet Puri, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. Mr. Puri states at the Bar that the petitioning defendant had met with a road accident which had led to severe memory loss and he has remained under medical treatment. This fact has been disclosed to him this morning and, therefore, it could not be incorporated in the revision. He submits that the permission may be granted to him to file an application supported by an affidavit explaining the exceptional circumstances for delay in filing the written statement before the learned Civil Judge (Senior Division), Sangrur beyond the permissible limits set in Order VIII Rule 1 CPC. The submission persuades me to prima facie accept the request in some form or the other as it is rooted in verifiable facts which can always be entered upon and its veracity checked.

2. Hence, in case such an application is filed, the learned Judge would consider the same holistically and sympathetically to restore the defendant to his right of defence in a suit for declaration and possession of property. The plaintiff and the defendant are relatives in dispute as inheritors and cultivators of land comprising 3 Kanal 4 Marla as fully

described in the Head Note to the plaint which is earmarked for the Scheduled Castes tillers and their welfare in the schemes of the Government.

3. I was told that the defendant was served in November, 2018 and his defence was struck off on 11.03.2019 with 3-4 dates intervening. Accordingly, though there is no illegality found in the order, but in order to do substantial justice, the order dated 11.03.2019 is removed from the way for fresh consideration. The fresh order will substitute the order dated 11.03.2019. In case an application is not filed within a month explaining the reasons for delay in presenting the written statement duly supported by an affidavit, the impugned order will prevail and stand revived.

4. With these directions, permissions and observations, the instant revision stands disposed of.

03.03.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>