

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

124

CR No.1678 of 2020

Date of decision : 12.03.2020.

Rajwinder Kaur

... Petitioner

Versus

Gurmail Singh and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mohd. Salim, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 20.01.2020 whereby the defence of the petitioner had been struck off.

Learned counsel for the petitioner contends that the petitioner could not file the written statement on the adjourned date as her counsel, namely, Abdul Sattar, Advocate, had met with an accident and he was admitted in Gulzar Hospital, Malerkotla for treatment. He has relied upon the judgment of the Supreme Court in the case of ***Desh Raj versus Balkishan (D) through proposed LR Ms. Rohini***, passed in Civil Appeal No.433 of 2020, decided on 20.01.2020 and the judgment of this Court in the case of ***Zora Singh versus Sukhminder Singh, 2019 (2) Law Herald 1096***.

Heard.

The respondent/plaintiff had filed a suit for possession by way of specific performance, declaration and permanent injunction. As the counsel for the petitioner/defendant is stated to have met with an accident, it would be in the interest of justice if the petitioner is granted one opportunity to file the written

statement. Filing of the written statement will also enable the petitioner to defend the case effectively. In the event of the petitioner not being allowed to defend the suit, prejudice would be caused to her.

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 an opportunity to file written statement.

Consequently, the petition is allowed and the petitioner shall be granted one opportunity to file the written statement within a period of two weeks from now subject to payment of ₹5,000/- as costs to be paid to the respondent/plaintiff.

If the respondent/plaintiff is aggrieved by the order of this Court, he would be at liberty to approach this Court by filing of an appropriate application.

(ANUPINDER SINGH GREWAL)
JUDGE

March 12, 2020

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