

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

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**CR No.1268 of 2021
Date of Decision: 07.07.2021**

SUKHWINDER KAUR

....Petitioner

Versus

AMARJIT KAUR

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jagjot Singh Lalli, Advocate
for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition is directed against the order dated 13.02.2020, passed by the Civil Judge (Junior Division), Jalandhar (for short, the Trial Court), through which the petitioner's defence was struck off for having not filed the written statement within the statutory period.

Learned counsel for the petitioner submitted that in the litigation between the sisters over a 4 marla plot owned by their father, the petitioner could not file her written statement in time due to non-availability of documents which were required for filing an effective written statement; such documents were supplied to the petitioner through the order of the trial Court on 29.11.2019 and on the second effective date thereafter, the trial Court, without grant of any last opportunity, struck off the petitioner's defence; on the aforesaid two effective dates after having being supplied the documents, the petitioner could not file her written statement due to miscommunication between herself and her counsel appearing for her before

the trial Court; there are bona fide reasons on behalf of the petitioner for having not filed a written statement on time; the petitioner should not be precluded from filing her defence at the threshold of the litigation that she faces and that the petitioner is also ready and willing to compensate the respondent with reasonable costs.

After considering the above submissions and going through the interim orders passed by the Trial Court, subject to payment of Rs.5,000/- as costs, to be paid by the petitioner to the respondent, the impugned order is set aside and the petitioner is granted one weeks time from today to place on record her written statement.

The petition is allowed in the above terms.

The Trial Court shall ensure that the costs ordered to be paid by the petitioner to the respondent are transferred to the respondent's bank account.

If the respondent is aggrieved by the passing of the present order, she is at liberty to approach this Court through filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

07.07.2021
D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No