

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

116

CR No.1513 of 2021 (O&M)
DATE OF DECISION : 23rd AUGUST, 2021

Jagdish

.... **Petitioner**

Versus

Zile Singh and another

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====
In virtual Court
=====

Present : Mr. J.P. Sharma, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 15.01.2020 (Annexure P-1) passed by the Civil Judge (Junior Division), Narnaul, vide which defence of the petitioner has been struck off.

It is submitted by learned counsel for the petitioner that the petitioner is residing at Bahadurgarh, whereas, the property in question is situated at village Bayal, Tehsil Nangal Chaudhary, District Mahendergarh. The suit is also pending at Narnaul. Due to the communication gap, the petitioner could not file the written statement earlier. Now, the case stands adjourned to 13.09.2021. Since, the petitioner has come to know about the order passed by the Court below now, therefore, the petitioner would ensure filing of the written statement on the next date fixed before the trial Court.

Hence, it is submitted that the petitioner be granted one last opportunity to file the written statement.

Having heard learned counsel for the petitioner and having perused the case file, this Court finds that the petitioner has been represented through his counsel since long. Despite that, he has not ensured filing of the written statement in time. Even, the last opportunity was granted to the petitioner to file the written statement. Still, the petitioner did not avail the opportunity to file the written statement. Hence, the petitioner has failed to file the written statement despite granting him due opportunity and despite the passage of a long time. Therefore, in a normal course, the petitioner would forfeit his right to file written statement in the suit, as such. However, the suit is at initial stage. Furthermore, the Court has to lean towards ensuring substantial justice by providing opportunity of hearing to all the parties concerned to the extent maximum possible. Hence, it would not be unjustified, if the petitioner is granted an opportunity to file the written statement, however, by putting him to a substantial cost.

In view of the above, the present revision petition is allowed. The petitioner is permitted to file the written statement on or before 13.09.2021, i.e. the next date fixed before the trial Court, however, subject to payment of Rs.15,000/- as costs. The cost is ordered to be deposited with the Institute for Blind, Sector-26, Chandigarh.

23rd AUGUST, 2021
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(RAJBIR SEHRAWAT)
JUDGE

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