

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2559 of 2021 (O&M)

Date of Decision: 24.11.2021

Municipal Committee, Bawani Khera

... Petitioner(s)

Versus

Suresh Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Viresh Dahiya, Advocate
for Mr. Deepak Balyan, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The Municipal Committee, Bawani Khera, is a defendant in the suit pending before the Civil Court at Bhiwani. Its defence has been struck off for failing to file the written statement even after availing for more than four opportunities. It is alleged that the official, who was assigned the work of supervising the litigation, did not take timely steps in filing the written statement. Even an application for recalling the order has been dismissed. On 02.11.2021, notice of motion was issued to the respondent (the plaintiff before the trial Court). In spite of the service of notice, the respondent has not opted to enter appearance. No doubt, the petitioner has been negligent in defending the suit. However, the plaintiff has filed a suit for declaration to set aside the show cause Notice dated 10.10.2017. In the absence of the written reply, the petitioner will not be able to defend the suit properly.

2. Without going into the merits of the case, the revision petition is

disposed of by permitting the petitioner to file written statement within a period of two weeks from today, subject to payment of costs of ₹10,000/-. It shall be the responsibility of the Municipal Committee, Bawani Khera, to identify the official who was negligent in defending the suit and recover the amount from him. This order has been passed only in the interest of justice.

3. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

November 24, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No