

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2554 of 2021

Date of Decision: 01.11.2021

Kuldeep Sethi

... Petitioner(s)

Versus

Gram Panchayat, Village Pawta, Tehsil Dhauj, District Faridabad and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kunal Dawar, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The plaintiff is the petitioner herein. He has filed a revision petition under Article 227 of the Constitution of India assailing the correctness of the order passed by the trial Court dated 17.09.2021. Initially, the defence of the defendants was struck off on the ground that they did not file the written statement within the prescribed period of 90 days. Thereafter, the defendants filed an application for recalling the aforesaid order. The trial Court, after appreciating the facts available on the file, has recalled the order.

2. The learned counsel representing the petitioner contends that the trial Court could not have recalled its order.

3. Having heard the learned counsel representing the petitioner, this Court is of the considered opinion that the order striking off the defence is purely an interlocutory order. Subsequently, on a justifiable cause shown, the Court has the power to recall the order and permit the defendants to file

the written statement. In the present case, the application for permitting the defendants to file the written statement was filed on the date when the defence was struck off.

4. Keeping in view the aforesaid facts, no ground is made out to interfere in exercise of the powers under Article 227 of the Constitution of India. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 01, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No