

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

CR-35-2022 (O&M)

Date of decision: 17.11.2022

M/s The Sirsa Bansivat Cooperative L/C Society Ltd.

...Petitioner

Versus

Smt. Sheela Devi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Nonish Kumar, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

As per office report, dasti notice sent for the service of respondents No.1 and 2 through their counsel in the trial Court received back served. However, there is no representation on their behalf. A perusal of the record goes to show that respondents No.1 and 2 are the contesting respondents in this case. As per report, respondent No.2 has passed away, however, respondent No.1 could very well put in appearance in this case but such respondent has failed to do so.

On account of non-filing of written statement by defendant No.6, who is revisionist before this Court, the trial Court of Addl. Civil Judge (Sr. Divn.) Panipat, vide order dt. 12.03.2020 struck off its defence.

Learned counsel appearing for the petitioner states that failure to file the written statement in the Court within 90 days of putting in appearance was on account of the fact that there was unprecedented

situation on account of breaking out of COVID-19 pandemic and there was lack of communication between such defendant and its counsel. The explanation rendered by counsel for the petitioner seems to be plausible. Even otherwise, the interest of justice, demands that an opportunity of being heard be given to such defendant instead of closing doors of contest upon it in a summary manner. Therefore, the revision petition is allowed; the impugned order striking off defence of revisionist/defendant No.6 is set aside, affording the revisionist an opportunity to file the written statement in the trial Court within 15 days from today.

A copy of this order be sent to the trial Court through District & Sessions Judge, Panipat for information and necessary compliance.

17.11.2022

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(H.S. MADAAN)
JUDGE

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