

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

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IN VIRTUAL COURT

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CR No. 227 of 2022 (O & M)

Date of decision : 3.3.2022

Bal Kishan

.....Petitioner

Vs.

Shakuntal @ Shakuntla Rani and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Yashveer Kharb, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CM No. 596-CII of 2022:

Allowed as prayed for.

Main case:

This is a petition filed under Article 227 of the Constitution of India for setting aside the order dated 19.8.2021 (Annexure P-3), passed by the Civil Judge (Senior Division), Panipat in case No. SUCC/26/2018 dated 13.7.2020, titled as Shakuntla @ Shakuntla Rani v. General Public and others, vide which the petitioner has been precluded from filing the reply/written statement to the petition filed by present respondent No.1.

It is submitted by counsel for the petitioner that the default in filing the written statement on behalf of respondent No.3 was not intentional. That has happened because of the prevalent pandemic situation and in view of the fact that the virus infection had, in fact, entered the family of the petitioner. Moreover, even the courts were not functioning properly because of the COVID restrictions. Therefore, the petitioner was under mis-conceived impression that the case would be adjourned otherwise, without conducting any effective proceedings. However, now the petitioner is ready with the written statement and the same can be filed if one opportunity is given to the petitioner.

In view of the above, this Court deems it appropriate not to issue notice to the other side, at this stage.

A perusal of the record shows that the petitioner has not filed the written statement/reply despite the fact that the case was adjourned for at least three times for enabling him to file the same. However, another aspect which can be gathered is that the order passed by the trial Court reflected that the written statement/reply has not been filed on behalf of respondents No.2 and 4. Moreover, there appears to be some justification for the impression of the petitioner, though totally mis-conceived; that on account of COVID-19 pandemic situation, the Courts were not functioning properly. Therefore, it would not be unjustified if the petitioner is granted one more opportunity to file the written statement/reply by putting him under appropriate financial burden.

In view of the above, the impugned order is set aside. The present petition is disposed of with a direction to the trial Court to grant one more effective opportunity to the petitioner for filing written statement/reply, subject to payment of cost of Rs.10,000/-, to be deposited with the Patient Welfare Fund, PGI, Rohtak, within a period of 15 days from today.

It is further clarified that the petitioner shall be granted the opportunity to file the written statement/reply only on production of the receipt of the cost having been deposited by him; as ordered above.

(RAJBIR SEHRAWAT)
JUDGE

3.3.2022

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No