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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1751-2020 (O&M)

Date of Decision:15.09.2022

Ranbir

.. Petitioner

Vs.

Azad Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ivneet Singh Pabla, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner (Defendant No.1) has filed this petition under Article 227 Constitution of India for setting aside the order dated 14.08.2019 (Annexure P-5) passed by Civil Judge (Jr. Divn.), Bahadurgarh, whereby he was precluded from filing written statement.

Learned counsel contends that the notice of the suit for permanent injunction was issued to the petitioner on 12.04.2019 for 27.05.2019 and on the said date, petitioner appeared and the case was adjourned for 10.07.2019 for filing written statement. Thereafter, on 10.07.2019, defendant No.1 failed to file written statement and on his request, the matter was adjourned to 14.08.2019, however, due to non filing of written statement, Civil Judge (Jr. Divn.), Bahadurgarh passed the impugned order, refusing to grant more time to defendant No.1 for filing written statement.

Learned counsel states that the written statement is ready with the petitioner and would be filed positively on or before 10.10.2022 i.e. the date fixed before the trial Court. According to learned counsel, some time

after passing the impugned order, there was breakout of pandemic COVID-19, and functioning of Courts too was restricted, therefore, there is not much progress in the suit. He submits that in case, the petitioner is allowed to file his written statement, no prejudice would be caused to the other side and prays for last opportunity to file the written statement.

Heard.

In view of the limited relief prayed for by the petitioner, this Court is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to them. However, it is made clear that in case, the respondents feel that the petitioner has not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

Upon considering the nature of litigation between the parties, as well as explanation offered by the petitioner for delay in filing his response, this Court deems it appropriate to afford one more opportunity to petitioner to file the written statement.

Resultantly, the impugned order dated 14.08.2019 (Annexure P-5) is set aside and petitioner is granted only one opportunity to file his written statement on or before the next date of hearing fixed before the trial Court i.e. 10.10.2022.

Disposed of.

15.09.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No