

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

139

CR-1081-2022

Date of Order:28.03.2022

OM PARKASH

..Petitioner

Versus

VED PARKASH AND ANR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tanmoy Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner is defendant No.1 in a suit filed by the plaintiff for grant of decree of declaration with a consequential relief of permanent injunction. The petitioner assails the correctness of order passed by the trial Court on 10.03.2022, whereby, his defence was struck off due to non-filing of the written statement.

The learned counsel representing the petitioner contends that the impugned order was passed before 12:25 p.m., whereas, the petitioner filed his written statement at 12:40 p.m. He draws the attention of the Court to the order passed by the Civil Court on 10.03.2022, at 01:35 p.m., which reads as under:-

*“Taken on record subject to order of the Court
FILE
CJ (Jr. Divn.)/RC/JMIC
PALWAL
10.3.22
01:35 PM”*

Once, the written statement has already been taken on record, the Court ought to have recall of its previous order.

Furthermore, the rules of procedure are drafted and executed in

order to advance the cause of justice.

Keeping in view the aforesaid facts, the order under challenge is set aside.

The written statement filed by the petitioner shall be deemed to have been filed within time.

Disposed of.

Since, this order has been passed without issuing notice to the respondents, therefore, they shall have liberty to file an application for recall of the order.

All the pending miscellaneous applications, if any, are also disposed of.

March 28th, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No