

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

107

CR-1214-2022

Date of decision: 02.04.2022

KAMLA DEVI AND ANOTHER

.....Petitioners

Versus

NEELAM RANA @ NEELAM

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dhruv Chowfla, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners herein are defendants before the civil court in a suit filed by the respondent-plaintiff for permanent and mandatory injunction qua the suit property i.e. House No.2222, New Indra Colony, Mani Majra, Chandigarh.

The petitioners are aggrieved by the order dated 29.11.2021 passed by the trial Court wherein the defence of the petitioners was struck off as they failed to file their written statement within the statutory period of 90 days.

Learned counsel for the petitioners submits that the petitioners put in an appearance before the trial Court on 27.07.2021 and thereafter on account of conditions prevailing due to the outbreak of pandemic they were unable to get hold of certain original/certified documents which were required to be submitted along with written statement. He further submits that it was thus for genuine reasons that there was delay in filing of the written statement. Learned counsel has

placed reliance upon order dated 10.01.2022 passed by the Hon'ble Supreme Court in ***Misc. Application No.21 of 2022 in Misc. Application No.665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020***, wherein the Hon'ble Supreme Court has also after taking into account the difficulties faced by the litigants in filing their petitions/applications/suits/appeals/all other quasi proceedings etc. directed that the limitation period from 15.03.2020 till 28.02.2022 shall stand excluded and would not come in the way of a litigant in case on account of pandemic, he was unable to file petition/applications/suit/appeal etc. A prayer was, therefore, made to grant one last effective opportunity to the petitioners for filing their written statement.

Written statement is required to be filed within 30 days of service of notice as per the provisions of Order 8 Rule 1 CPC. No doubt the said period is extendable to 90 days. This Court, however, in view of the orders of Hon'ble the Supreme Court, the submissions made by learned counsel and also keeping in mind the conditions prevailing on account of the outbreak of pandemic and the lockdown imposed, is of the opinion that the ends of justice would be met if one more effective opportunity is granted to the petitioners to file their written statement.

In the wake of the above, without issuing notice to the respondent, to avoid any further delay, the impugned order dated 29.11.2021 is set aside. The instant revision petition is allowed in the following terms:-

1. The petitioners are granted one last effective opportunity to file their written statement.

2. In the event of default by the petitioners, the matter shall not be adjourned any further for filing of their written statement and consequently their defence shall be deemed to be struck off.

02.04.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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