

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

123

**CR-1297-2022
Date of Order: 08.04.2022**

SANJEEV KUMAR

..Petitioner

Versus

VED PARKASH AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J(Oral)

The defendant No.2 in a suit for grant of declaration with a consequential relief of permanent injunction prays for setting aside the order dated 10.03.2022, striking of his defence. It has been noticed that a revision petition filed at the behest of defendant No.1 has already been allowed on 28.03.2022, with the following order:-

“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.”

Keeping in view the aforesaid facts, the petitioner is also granted an opportunity to file his written statement within a period of one month, from today.

With these observations, the revision petition is 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, if so, advised.

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

April 08th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*