

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

Sr. No.121

**CR No. 1721 of 2022
Date of Decision: 14.07.2022**

Bandana Sharma

...Petitioner

VERSUS

Suneeta Rani and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Harvinder Pal Singh Ghuman, Advocate
for the petitioner.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 09.11.2021 (Annexure P-1), vide which, the defence of the petitioner/defendant no.1 has been struck off.

In the impugned order, it has been observed that the petitioner/defendant no.1 appeared in the present suit on 18.02.2020, and since then, she has not filed written statement, within the stipulated period, and hence defence of defendant no.1 was ordered to be struck off.

However, learned counsel for the petitioner has placed on record the various zimini orders passed, since the date of appearance of the petitioner/defendant no.1 before the Lower Court, till the passing of the impugned order. Perusal of the same reveals that the petitioner/defendant no.1 had made appearance before the lower court on 18.02.2020 through counsel and case was adjourned for 7.4.2020. However, file was taken up on 31.03.2020 by the Presiding Officer and on account of Covid-19 situation, as per the instructions received from learned District & Sessions Judge, the case was further adjourned to 17.07.2020. Again on 16.07.2020, on the basis of the same instructions, the case was adjourned further for 24.08.2020. Then again, on the basis of same instructions, case was adjourned for 7.10.2020, vide order dated 21.08.2020. Then again, on similar basis, case was adjourned to 11.11.2020, vide order dated

6.10.2020. Further the case was adjourned on the basis of the same instructions for 18.12.2020, vide order dated 11.11.2020 and then again adjourned for 01.02.2021, vide order dated 18.12.2020 passed by the Presiding Officer.

After this, effective order vis-a-vis filing of the written statement, was passed on 01.02.2021, as written statement was not filed by the petitioner/defendant no.1, and the case was ordered to be adjourned for 15.03.2021. However, the file was again taken up on 12.03.2021, as the Presiding Officer was to be on leave and the case was adjourned to 23.04.2021. Then again on 23.04.2021, the file was taken up and the case was adjourned to 09.07.2021, on the basis of instructions vis-a-vis the restricted functioning of the Courts.

Similarly, the case was further adjourned for 14.09.2021, vide order dated 09.07.2021. It was only thereafter, again the case was taken up on 14.09.2021, and was adjourned for 28.09.2021, as written statement was not filed. For the similar purpose, the case was adjourned further for 09.11.2021, and on that date, the impugned order was passed, thereby striking off the defence of the petitioner/defendant No.1.

Thus, in view of the fact situation aforesaid, it is evident that most of the times, adjournment was granted, as the courts were functioning in restricted manner, on account of Covid-19 situation. Considering the same, the impugned order is hereby set aside and an opportunity is given to the petitioner-defendant no.1 to make appearance before the lower court on the date fixed i.e. 19.07.2022 , as disclosed by learned counsel for the petitioner for filing written statement.

In view of the aforesaid terms, the present revision petition is disposed of.

14.07.2022

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No