

119

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2796-2022 (O&M)

Date of Decision: 20.07.2022

Municipal Corporation, Patiala and others

.. Petitioners

Vs.

Suman Bala

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parambir Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This revision petition has been filed under Article 227 Constitution of India for setting aside the orders dated 09.11.2021 (Annexure P-2) and order dated 19.05.2022 (Annexure P-5) passed by Civil Judge (Sr. Divn.) Patiala, whereby firstly the defence of the petitioners (defendants) was struck off for not filing the written statement in time and later, their application for recalling the order dated 09.11.2021 was also dismissed.

Learned counsel contends that the suit by plaintiff relates to the retiral benefits of her deceased husband and though some of the retiral benefits have already been released, but as the plaintiff has not vacated the official accommodation, therefore, part of retiral benefits were withheld. He submits that the Court has struck off the defence of the petitioners/defendants for not filing the response within stipulated time and considering the nature of the relief claimed by the plaintiff, it would be in her interest also, if the defendants are allowed to file their written statement.

He submits that the suit was filed on 16.01.2020 and the defendants

appeared on 19.01.2021 and were granted time to file written statement, but soon thereafter, there was breakout of Pandemic Covid-19, therefore, the written statement could not be filed in the prescribed period and the defence was struck off in November, 2021. Thereafter, the application was filed for recalling the said order, but the same was also dismissed.

Heard.

After hearing the learned counsel and considering the above background, it is noticed that no doubt, various opportunities were given to the Municipal Corporation, Patiala and defendant Nos.2 and 3 to file their written statement, but defendants failed to do so. Of course, during the pandemic Covid-19, the defendants were also over burdened being engaged in combating the disease and further to curtail its spread, and by virtue of restrictions imposed by State government, working and functioning of the Courts was also adversely affected.

This Court as well as Hon'ble Supreme Court had also injected some elasticity in the period of limitation, therefore, considering the facts and background of the case in totality, particularly the relief claimed by the plaintiff, the impugned order dated 09.11.2021 is set aside and the petitioners (defendants) are allowed to submit their response positively on the next date of hearing i.e. 29.07.2022.

Disposed of.

20.07.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes No

Whether reportable

Yes No