

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

CR No.2904 of 2022 (O&M)

Date of decision: 26.07.2022

Municipal Corporation Ambala City through its Commissioner

....Petitioner

Versus

Kuldeep Kaur and others

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil K. Dhanda, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 04.04.2022 passed by the trial Court, vide which the defence of the petitioner/defendant No.1 was struck-off on account of non-filing of the written statement.

Counsel for the petitioner has argued that the petitioner has appeared before the trial Court on 16.12.2021, thereafter, the case was adjourned for 21.12.2021 and then on 21.01.2022 and thereafter, on 04.04.2022. It is further submitted that on account of the COVID-19 situation in the country, the petitioner/Municipal Corporation could not file the written statement on time and the defence of the petitioner was struck-off on 04.04.2022, by passing the following order:-

“Power of attorney on behalf of defendants No.1 to 3 filed by Sh. Mohammad Danish, Advocate. Written statement and reply to stay application on behalf of defendants No.1 to 4 not filed. Learned counsel for the defendants sought adjournment which is highly opposed by learned counsel for the plaintiff. Heard. After perusal

of case file it has been revealed that defendants no.1 to 4 appeared on 16.12.2021 and sought adjournment. He failed to file written statement and reply to stay application. No ground is made out to adjourn the case, further for same purpose. Therefore, defence of defendant is hereby struck off. On request, case is adjourned to 07.07.2022 for evidence.”

Counsel for the petitioner has also submitted that the case before the trial Court, is now fixed for 11.11.2022, for the plaintiff's evidence and in the intervening period, no proceedings are to be undertaken by the trial Court and the petitioner can file a written statement with advance copy to counsel for the respondents/plaintiffs.

In order to avoid any further delay, the service of respondents/plaintiffs is dispensed with.

Considering the fact and arguments raised by counsel for the petitioner, I deem it appropriate to grant one more opportunity to the petitioner/Municipal Corporation, Ambala City, to file the written statement within a period of 30 days with a costs of Rs.10,000/- to be paid to the respondents/plaintiffs.

The written statement will be filed on or before 26.08.2022, failing which this petition will be deemed to be dismissed.

Liberty is granted to the respondents/plaintiffs to revive this petition, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

26.07.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No