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

CR-2889-2022

Date of decision : 26.07.2022

Laxmi Devi @ Maya Devi and another ...Petitioners

Vs.

Manohar Lal and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rao Ajender Singh, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners/defendants are aggrieved against the order dated 04.04.2022 passed by Civil Judge (Junior Division), Bawal, whereby in a suit bearing No.CS-85-2021 for declaration and permanent injunction filed by respondent/plaintiff, their defence was struck off, as the written statement was not filed in stipulated period.

Learned counsel has argued that the petitioners appeared before the trial Court in February, 2022 and were granted few adjournments for filing the written statement, but the needful was not done as the petitioners, who are ladies and are residents of Faridabad were unable to provide the relevant documents to their counsel in time. Therefore, on 04.04.2022, their defence was struck off.

Learned counsel further submits that the written statement is ready with the defendants and would be filed positively on or before 09.08.2022 i.e. the date fixed before the trial Court. He submits that in

case, the petitioners are allowed to file their written statement, no prejudice would be caused to the other side.

Heard.

In view of the limited relief prayed for by the petitioners, this Court is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to him. However, it is made clear that in case, the plaintiff feels that the petitioners/defendants have not approached this Court with clean hands, it shall be open for him to seek recalling of this order.

Resultantly, the impugned order dated 04.04.2022 is set aside and petitioners/defendants are granted only one opportunity to file their written statement on or before the next date of hearing fixed before the trial Court i.e. 09.08.2022.

Disposed of.

(MANOJ BAJAJ)
JUDGE

26.07.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No