

S.No.126

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

CR No.3181 of 2022

Date of Decision:-10.08.2022

Shankar Mangla and another

.....Petitioners

Vs.

Sada Ram

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Pranjal P. Chaudhary, Advocate
for the petitioners.

ARCHANA PURI, J.(Oral)

The present revision petition has been filed to challenge the order dated 05.07.2022 passed by the Civil Judge, Junior Division, Gurugram vide which, the defence of the petitioners/ defendants has been struck off.

In Civil Suit No.CS/1013/2021 tilted as **Sada Ram Vs. Shanker Mangla and another**”, in which the present petitioners were arrayed as defendants, the defence of the defendants was struck off vide the impugned order dated 05.07.2022.

All the zimni orders ever since the date of making appearance of the present petitioners before the lower Court have been placed on record. A perusal of the aforesaid orders reveal that it was on 01.11.2021 that the petitioners made appearance through counsel, who filed Power of Attorney and the case was adjourned for 31.01.2022 for filing of written statement and reply to the stay application. However, on 31.01.2022, on account of spreading of Covid-19 infection, the case was not taken for effective hearing and it was adjourned for 04.04.2022. On 04.04.2022, the

written statement and reply to the stay application was not filed and the case was adjourned to 05.07.2022. On 05.07.2022, the impugned order was passed, thereby observing that the written statement and reply to the stay application has not been filed despite the last opportunity.

A perusal of the aforesaid zimni orders reveal that it was during the peak of Covid-19 infection that the cases were being adjourned without any effective output.

Considering the restricted functioning of the Courts during the Covid-19 situation, this Court deems it appropriate to grant one opportunity to the petitioners to file written statement and reply to the stay application.

Accordingly, the petition is accepted and the impugned order is set aside, thereby directing the petitioners to file written statement and reply to the stay application, on the next date fixed before the lower Court.

As such, the petition stands disposed of.

10.08.2022**renu****(ARCHANA PURI)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No