

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4033-2022 (O&M)
Date of decision: 21.09.2022

Gram Panchayat, Village Kainaur, Block Morinda, District Rupnagar

....Petitioner

Vs.

Jagdish Chand

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Priyanka Ahuja, Advocate for
Mr. A.S. Nirmaan, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 11.07.2022 passed by the trial Court, vide which defence of the petitioner/Gram Panchayat, in a suit for permanent injunction, was struck off on account non-filing of the written statement.

Learned counsel for the petitioner submits that for the first time, the petitioner appeared on 05.01.2022 and the case was adjourned to 15.02.2022 and thereafter, it was adjourned to 28.03.2022. It is further submitted that in the meantime, the petitioner filed an application seeking direction to the plaintiff to place on record the original documents relied

upon in the plaint, in order to enable the petitioner to file its written statement.

Learned counsel further submits that later on, the case was listed for arguments on the said application and in the meantime, defence of the petitioner was struck off, vide impugned order. It is also submitted that since the suit property belongs to Gram Panchayat and in case the petitioner/Gram Panchayat is not permitted to file written statement and defend the case properly, it will prejudice its right, therefore, one opportunity may be granted to petitioner to file the written statement.

After hearing learned counsel for the petitioner, considering facts and circumstances of the case and in order to avoid any further delay in disposal of the suit, issuance of notice of motion to the respondent/plaintiff is dispensed with at this stage and the present petition is allowed. The impugned order dated 11.07.2022 is set aside.

The petitioner is granted 30 days' more time to file the written statement from today, however, this will be subject to payment of cost of Rs.5,000/- to the respondent/plaintiff.

[ARVIND SINGH SANGWAN]
JUDGE

21.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No