

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

129

1. CR-3967-2022

Gram Panchayat, Village Kainaur, Morinda

...Petitioner

Versus

Manjit Kaur

...Respondent

2. CR-3971-2022

Gram Panchayat, Village Kainaur, Morinda

...Petitioner

Versus

Manjit Kaur

...Respondent

Date of decision : 19.09.2022

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Nirmaan, Advocate
for the petitioner in both the petitions.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for setting aside the order dated 11.07.2022, passed by the trial Court, vide which the defence of the petitioner/Panchyat, 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 for the petitioner further submits that later on, the case was listed for arguments on the said application and in the meantime, the defence of the petitioner was struck off, vide impugned order.

Learned counsel further submits that since the suit property belongs to Gram Panchayat and in case the petitioner/Panchayat is not permitted to file written statement and defend the case properly, it will prejudice the right of the Gram Panchayat, therefore, one opportunity may be granted to petitioner to file the written statement.

After hearing learned counsel for the petitioner and considering the facts and circumstances of the case, 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, passed in both cases, is set aside.

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

A photocopy of this order be placed on the file of the connected case.

19.09.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No