

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 111

Civil Revision No.4695 of 2022
Date of Decision: *November 16, 2022*

Municipal Corporation, Amritsar

..... PETITIONER(S)

VERSUS

Iqbal Singh & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sandeep Khunger, Advocate, with Mr. Saksham Khunger, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 10.12.2021 (Annexure P-1) as also order dated 29.08.2022 (Annexure P-2), whereby the petitioner-defendant's defence has been struck off on account of non-filing of written statement within time, application for setting aside the order (P-1) has been dismissed by the trial Court.

Learned counsel for the petitioner, by referring to directions issued by this Court in CM No.2-CWPIL of 2022 in CWP No-PIL No.77 of 2021, *Court on its own motion vs. Union of India & others*, submits that due to the Pandemic, time for filing of written statement or return in any suit or proceeding pending before any Civil Court or any other forum was extended till 28.02.2022. Therefore, there was no justification for the trial Court to strike off the petitioner's defence.

The facts afore-stated make it apparent that the trial Court's order dated 10.12.2021 striking off the petitioner-defendant's defence is contrary to the directions issued by this Court vide order dated 20.01.2022 in afore-mentioned petition extending the limitation in filing the written statement, and is not sustainable. Accordingly, the impugned order is set aside to the extent it strikes-off defence of petitioner-defendant, and it is afforded one opportunity to file written statement on the next date of hearing before the trial Court, i.e., 29.11.2022. It is made clear that no further opportunity shall be granted for the purpose.

Disposed of.

(Tribhuvan Dahiya)
Judge

November 16, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No