

In the High Court of Punjab and Haryana at Chandigarh

114

CR-619-2023 (O & M)

Date of Decision: January 31, 2023

KULDEEP SINGH AND ORS

.....PETITIONERS

VERSUS

SITA RAM @ SITA AND ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Akshay Bansal, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J (ORAL)

CM-1919-CII of 2023

Allowed as prayed for.

Main case

The petitioners have challenged the order dated 05.09.2022 (Annexure P-1) whereby their defence has been struck off.

Learned counsel for the petitioners submits that the suit had been filed by the respondents/plaintiffs for permanent injunction in the year 2021. He further submits that petitioner No.1 is an illiterate person and working as a Chowkidar in the village while petitioner No.3 is an elderly lady and is not in good health. The petitioners had put in appearance but could not file their written statement partly due to Covid 19 pandemic. He also submits that the petitioners be granted only one opportunity to file their written statement.

Heard.

The petitioners could not file the written statement partly due to ill health of petitioner No.3 and covid-19 pandemic. It would be in the interest of

justice, equity and fair play if the petitioners are accorded one opportunity to file the written statement and lead their defence.

Consequently, the petition is allowed and the impugned order (Annexure P-1) is set aside. The petitioner would be afforded one opportunity to file written statement within 10 days. They would lead the evidence in their defence promptly and would not make any effort to unnecessarily delay the proceedings.

If the respondents are aggrieved of this order, they would be at liberty to file an application in that regard.

(ANUPINDER SINGH GREWAL)
JUDGE

January 31, 2023
A.Kaundal

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