

Smt. Meena

...Petitioner

Versus

Raj Kapoor and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Arihant Goyal, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 17.11.2023 (Annexure P-1) passed by the Ld. Additional Civil Judge (Sr. Division), Rohtak whereby defence of the petitioner/plaintiff qua the counter claim of defendant Nos.1 to 3 has been struck off.

2. Learned counsel for the petitioner fairly submits that the petitioner is a widow lady and due to mis-communication between her and her lawyer, the petitioner could not file the reply to the counter-claim filed by defendant No.3, who is subsequent purchaser prior to that date. He further submits that the learned Court below has struck off her defence, otherwise the petitioner is bona fide pursuing her case and issues are yet to be settled as is clear from the perusal of the order dated 17.11.2023 (Annexure P-1) and he further submits that if one opportunity is given to the petitioner then she would file the written statement on the next date fixed before the trial Court.

3. If notice is given to the other side it may further delay the disposal of case and may further put financial burden upon respondents/defendants.

4. So, in the interest of justice, order dated 17.11.2023 (Annexure

P-1) passed by the Ld. Additional Civil Judge (Sr. Division), Rohtak is hereby set aside and this petition is disposed of with a direction to the trial Court to give one opportunity to the petitioner to file written statement to the counter-claim filed by defendant No.3 on the next date but subject to payment of costs of Rs.5,000/- to be paid to the opposite party.

5. In case of default, this order shall stand automatically vacated.
6. If the respondents are not satisfied with this order, they can move an application for recalling of this order within 30 days.

19.12.2023
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No