



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3081 of 2024 (O&M)

Date of Order:20.05.2024

Gurmeet Kaur

.Petitioner

Versus

Gurmel Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Varun Mittal, Advocate and
Mr. Anshul Sharma, Advocate
for the petitioner.

ANIL KSHETARPAL, J

1. The defendant has filed this revision petition to assail the correctness of the trial court's order striking off her defence on account of failure to file written statement in a suit filed by the plaintiff for permanent injunction.

2. The learned counsel representing the petitioner submits that the court has failed to grant proper opportunity to the petitioner to file written statement. While drawing the attention of the Court to the trial Court's order dated 31.10.2023, he submits that the petitioner entered appearance and the case was adjourned to 17.11.2023. On the joint stand of the learned counsel representing the parties, the matter was referred to the Lok Adalat, to be held on 09.12.2023 for exploring the possibility of the settlement which could not be arrived at. Thereafter, the case was adjourned to 21.02.2024, and the impugned order striking off the defendant's defence was passed.

3. This court has considered the submissions of the learned counsel representing the parties

4. As per the provisions of the Code of Civil Procedure, 1908, the period of 90 days for filing the written statement has been prescribed to expedite the disposal of the application. However, in the peculiar facts of the case, the court is required to apply the rules of procedure in a proper manner. From the facts narrated above, it is evident that the petitioner was granted only one effective opportunity to file her written statement.

5. Keeping in view the aforesaid facts and discussion, the order dated 21.02.2024, is set aside being perverse. The petitioner is granted 10 days time to file the written statement, from the date of this order. If the written statement is filed within the aforesaid time, the same shall be taken on record.

6. Disposed of accordingly.

7. This order has been passed without issuing notice to the respondent (plaintiff). Hence, she will have an opportunity to file an application for re-call.

8. All the pending miscellaneous applications, if any, are also disposed of.

May 20, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO