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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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Date of decision : 27.11.2024

Block Development & Panchayat Officer and another

... Petitioners

Versus

Balraj and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shalender Mohan, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for quashing the impugned order dated 09.10.2024 (Annexure P-9) passed by the Additional Civil Judge (Sr.Div.), Hansi, vide which the defence of the petitioners-defendants no.1 and 2 has been struck off by order.

2. Learned counsel for the petitioners has submitted that although the petitioners were not very vigilant in the present case but have highlighted the fact that on 16.05.2024, an application under Order 7 Rule 11 CPC was filed by defendants no.3 and 5 and the same was decided on 18.05.2024 and has further submitted that the schedule regarding Assembly Elections in State of Haryana was issued on 16.08.2024 and the elections were conducted on 05.10.2024 and the result was declared on 08.10.2024

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and the impugned order was passed on 09.10.2024. It is further submitted that the petitioners being officials of the State of Haryana, were involved in the said election. It is stated that although the issues were framed in the present case and the case was adjourned to 20.11.2024 for the evidence of the plaintiffs but on 20.11.2024, no PW was present and the case has now been adjourned for 12.02.2025 for the purpose of plaintiffs evidence and arguments on the injunction application. It is further stated that in case an opportunity is not granted to the petitioners to file written statement, then an irreparable loss would be caused to the petitioners. It is submitted that for the delay in the proceedings, the petitioners are ready to adequately compensate respondent no.1.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last effective opportunity can be granted to the petitioners and accordingly, the present petition is partly allowed and the impugned order dated 09.10.2024, to the extent that the defence of the petitioners has been struck off, is set aside, with the following directions:-

- i) The petitioners would deposit an amount of Rs.30,000/- with the trial Court within a period of three weeks from today. The amount deposited by the petitioners would be released by the trial Court to respondent no.1-plaintiff by the trial Court.
- ii) In case the petitioners deposit the said amount, then the petitioners be permitted to file written statement within a period of two weeks thereafter and thus, the written statement would be filed within a period of five weeks from today with an



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advance copy to learned counsel for the plaintiff.

iii) The trial Court would thereafter proceed in the matter, in accordance with law.

4. It is made clear that in case the amount is not deposited within the aforesaid period and the written statement is not filed within the aforesaid period, then the present petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents to move an application for recalling the present order in case any of the statements made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

November 27, 2024.
Davinder Kumar

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