

2025:PHHC:050482



S. No. 137

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

CR No.2346 of 2025 (O&M)

Date of Decision:21.04.2025

Haryana State through Collector, Hisar and another

.....Petitioners

Vs.

Smt. Sudesh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.K.S. Brar, Addl. AG, Haryana
for the applicant- petitioners.

DEEPAK GUPTA, J. (Oral)

By way of this revision filed under Article 227 of the Constitution of India, petitioners – State of Haryana pray for setting aside the order dated 16.05.2023 and the subsequent order dated 09.10.2024 (Annexure P.3).

2. Suit for declaration was filed by plaintiff – Smt. Sudesh (respondent herein) in which Haryana State through Collector, Hisar was impleaded as defendant No.1 and Haryana State through Director Secondary Educational, Haryana, Panchkula was impleaded as defendant No.2. Appearance on behalf of defendant No.1 was made on 04.03.2021 and that on behalf of defendant No.2 was made on 15.02.2023. As defendants failed to file the written statement, their defence was struck off on 16.05.2023 and application to recall the said order was dismissed on 09.10.2024.

3. Assailing the afore-said order, learned State Counsel submits that it is only defendant No.2, who was the contesting party and that only period of 90 days was allowed to file the written statement. Learned State Counsel prays for granting only one opportunity to file the written statement, submitting that case is still at the stage of evidence of the plaintiffs.



4. Without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is hereby accepted by directing the trial Court to provide one opportunity to the appellants- defendants to file the written statement, subject to ₹5,000/- as costs payable to the respondent- plaintiff through a demand draft. Payment of cost of ₹5,000/- shall be condition precedent for filing the written statement. The trial Court shall fix a date for filing the written statement and then proceed further in accordance with law.

5. Since this order has been passed without issuing any notice to the respondent- plaintiff, therefore, the said respondent will be at liberty to approach this Court in case she feels aggrieved.

6. Disposed of.

April 21, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No