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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127)

CR-1324-2025

Date of Decision: - 04.03.2025

Municipal Corporation, Sonapat through its Joint Commissioner
....Petitioner

Versus

Pawan and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jagdish Manchanda, Addl. A.G., Haryana
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 11.12.2024 (Annexure P-2) passed by the Civil Judge (Junior Division), Sonipat, whereby the defence of the petitioner/defendant No.1 has been struck off.

2. Learned counsel for the petitioner has submitted that the petitioner is a government public body, who has to protect the building in the municipal area of Municipal Corporation, Sonipat and the delay in filing of the written statement was on account of the fact that the record was to be called from the gram panchayat which had been absolved in the year 2015 and in spite of best efforts, the said record could not be traced.



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It is further submitted that in case one last opportunity is not granted to the petitioner for filing the written statement, then, irreparable loss would be caused to the petitioner. It is submitted that for the inconvenience caused to the respondents, the petitioner is ready to pay reasonable costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one opportunity for filing the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 11.12.2024 (Annexure P-2) is set aside to the extent that the defence of the petitioner has been struck off. The petitioner is granted one last opportunity to file its written statement within a period of 15 days from today and the same would be subject to the petitioner depositing the cost of Rs.18,000/- and on its depositing the said amount, the same would be released by the trial Court to respondents No.1 to 6 in equal proportions i.e. Rs.3,000/- each.

4. It is made clear that in case the written statement is not filed within a period of 15 days from today and that the cost of Rs.18,000/- is not deposited by the petitioner within the said period, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondents as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents in order to defend the present petition. However, it would be open to the respondents to move an application for recalling the present



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order in case, any statement made before this Court is found to be false/incorrect.

March 04, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No