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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1054-2025 (O&M)

Date of decision: 19.02.2025

Gram Panchayat

...Petitioner

Versus

Sarja Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vedant Setia, Advocate for
Mr. Vishal Mittal, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India read with Section 151 of CPC for setting aside the order dated 07.05.2024 (Annexure P-2) passed by the trial Court vide which the defence of the petitioner/defendant has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, earlier Sarpanch had engaged a counsel who had appeared for Gram Panchayat on 22.12.2023 and the matter was adjourned to 28.02.2024, on which date, he did not file reply and thereafter, on 07.05.2024 also, he did not file reply and the defence of the petitioner-defendant was struck off. It is submitted that there is a possibility that the said Ex-Sarpanch was in collusion with the plaintiff and the new Sarpanch was elected in the month of October-November, 2024 and it was thereafter, he learnt about the fact that the defence of the petitioner-Gram Panchayat had been struck off and thereafter the said new Sarpanch appointed a new counsel and after seeking legal advice has filed the present revision petition. It is submitted that till date, no evidence of the plaintiff has been led and the matter is now listed for 13.03.2025 for the evidence of the plaintiff. It is further submitted that in case one opportunity is not granted to the petitioner-Gram Panchayat to file its written statement, then, irreparable loss would be caused to the Gram



Panchayat. It is submitted that for the inconvenience caused to the plaintiff-respondent, the defendant-petitioner is ready to pay reasonable costs to him.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last opportunity on payment of adequate costs be granted to the petitioner-Gram Panchayat to file its written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 07.05.2024 (Annexure P-2) to the extent that the defence of the petitioner has been struck off, is set aside and the petitioner is granted one last opportunity to file its written statement within a period of one month from today, by moving an application before the trial Court with a copy to the counsel appearing on behalf of the plaintiff-respondent before the trial Court. The same would be subject to the petitioner depositing an amount of Rs.5,000/- within the aforesaid period. On deposit of the said amount, the same would be released by the trial Court to the respondent.

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

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

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

19.02.2025

Pawan

(VIKAS BAHL)
JUDGE

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