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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:13.05.2025

HARYANA SAHARI VIKAS PRADHIKARAN AND ANR

...PETITIONERS

VS.

AHSAN AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Jaiswal, Advocate
for the petitioners.

None for respondent No.1.

SUVIR SEHGAL, J. (ORAL)

1. Instant revision petition has been filed assailing order dated 17.08.2022 passed by the learned Civil Judge (Junior Division), Panipat, whereby defence of the petitioners/defendants, has been struck off.

2. Counsel for the petitioners submits that a suit for permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiff, has been instituted, wherein the petitioners were served. He submits that due to the default of the counsel, who never communicated the developments, defence of the petitioners was struck off vide the impugned order and they were estopped from filing the written statement as well as reply to stay application. A reference has also been made by him to the affidavit dated 08.05.2025 of Sh. Vikas Dhanda, Estate



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Officer, HSVP, Panipat, which is taken on record, wherein he has deposed that a warning has been issued to the counsel for his lapse.

3. Although, respondent No.1/plaintiff has been served, but there is no appearance on his behalf.

4. I have heard counsel for the petitioner and considered his submission.

5. It cannot be disputed that the petitioners are at fault and despite grant of repeated opportunities as well as imposition of cost, written statement etc., has not been filed. However, as dispute pertains to land, which the petitioners' claim was acquired for purpose of Health Dispensary and an award was passed granting compensation under the Land Acquisition Act, 1894, this Court is of the view that opportunity deserves to be granted to the petitioners to file their response. Failure to grant such an opportunity may result in misappropriation of government property.

6. Accordingly, revision petition is allowed. Impugned order dated 17.08.2022, Annexure P-1, is set aside. Petitioners are granted an opportunity to file written statement and reply to stay application on or before 15.06.2025. This will be subject to deposit of cost of Rs.10,000/- with the Punjab and Haryana High Court Employees Welfare Association, Account No.37167209613, IFSC Code:-SBIN0050306 with State Bank of India, High Court Branch, Chandigarh.

7. Deposit of cost shall be a condition precedent to the grant of opportunity.

13.05.2025

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(SUVIR SEHGAL)
JUDGE

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