

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

135

CR-441-2025

Date of Decision: 23.01.2025

Municipal Corporation, Panchkula

.... Petitioner

Versus

Nitin Kumar and others

.... Respondents

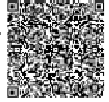
CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Jagdish Manchanda, Advocate for the petitioner.

NIDHI GUPTA, J. (ORAL)

By way of filing the present revision petition under Article 227 of the Constitution of India, the petitioner/defendant No. 3-Municipal Corporation, Panchkula, assails the impugned order dated 11.12.2024 (Annexure P-2) passed by the learned trial Court whereby the defence of the petitioner/defendant No. 3 was struck off and not permitted to file written statement; **AND** impugned order dated 24.12.2024 (Annexure P-4), passed by the learned Additional Civil Judge (Senior Division), Panchkula, whereby the application under Section 151 CPC filed by petitioner/defendant No. 3 for recalling the order dated 11.12.2024 has also been dismissed.

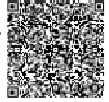
Learned counsel for the petitioner/defendant No. 3-Municipal Corporation, submits that respondent No. 1-plaintiff had filed a suit for



permanent injunction on 21.01.2024; and the petitioner/defendant No. 2 was proceeded against *ex parte* on 27.08.2024; that order was set aside by the learned trial Court vide order dated 21.10.2024 and the case was adjourned to 11.11.2024, for consideration on the application filed under Order I Rule 10 CPC. On 11.11.2024, the aforesaid application under Order I Rule 10 CPC was disposed of and the case was adjourned to 11.12.2024 for submission of written statement by the petitioner. However, on 11.12.2024 also, the petitioner/defendant No. 3 was unable to file written statement whereupon the defence of the petitioner was struck off. Thereafter, the petitioner/defendant No. 3 moved an application under Section 151 CPC for recalling of the order dated 11.12.2024 along with written statement, but the same *too* was dismissed by the learned trial Court vide order dated 24.12.2024 (Annexure P-4). Thus, it is prayed that the both the impugned orders dated 11.12.2024 and 24.12.2024 (Annexures P-2 and P-4, respectively) may be set aside and the petitioner/defendant No. 3 may be granted one opportunity to file written statement.

Heard.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner and without commenting upon merits of the case, but in view of principles of natural justice, equity, good conscience and fair play; this petition is being **disposed of** without issuing Notice of Motion to the respondents as that will only further delay the matter; the impugned orders dated 11.12.2024 and 24.12.2024 (Annexures



P-2 and P-4, respectively) are set aside; and it is directed that the petitioner/defendant No. 3-Municipal Corporation, Panchkula be granted one opportunity to file its written statement before the learned trial Court.

Pending application(s), if any, shall also stand disposed of.

23.01.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No