

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.248 of 2024

Date of decision: 31.07.2024

The District Collect-cum-Deputy
Commissioner, Shimla.

...Petitioner.

Versus

Ram Prakash Bhardwaj & Ors.

...Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

*Whether approved for reporting?*¹

For the petitioner : Ms. Leena Guleria, Deputy Advocate General.

For the respondents : Mr. Paras Ram, Advocate, for respondent No.1.

Jyotsna Rewal Dua, Judge

The State is aggrieved against the order 12.03.2024, whereby its right to file written statement has been closed.

2. Heard learned counsel on both sides.

3. The impugned order records that despite giving opportunities to the petitioner over a period of six months, the written statement was not filed by the State/defendant.

Accordingly, its right to file the same was closed.

4. In view of the callous attitude shown by the petitioner-State (defendant) in not filing the written

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes*

statement, the impugned order striking off defence of the petitioner cannot be said to be suffering from any illegality.

5. Learned Deputy Advocate General contended that there was a communication gap between the office of learned Assistant District Attorney, Kinnaur at Rampur and the competent authority, in respect of filing of the written statement. It was on account of this reason that the written statement could not be filed. Learned Deputy Advocate General prayed for grant of one more opportunity for filing the written statement. This prayer has not been seriously opposed by the learned counsel for the respondents.

Taking a holistic view of the matter, keeping in mind the submissions made by the learned Deputy Advocate General and in the interest of justice, it is deemed appropriate to grant the petitioner one more opportunity to file the written statement. However, this shall be subject to the payment of costs of Rs.2,500/- to the respondents/ plaintiffs. The cost shall be paid by the petitioner/ defendant before the learned Trial Court on the next date of hearing when the written statement shall also be filed. It is made

clear that this shall be the final opportunity made available to the petitioner for the aforesaid purpose.

The parties, through their learned counsel, are directed to appear before the learned Trial Court on 28.08.2024. It is also clarified that if the written statement is not filed and the cost is not paid on the next date, the learned Trial Court shall proceed further in the matter in accordance with law.

Accordingly, this petition is disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

**Jyotsna Rewal Dua
Judge**

31th July, 2024
(Pardeep)