



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-5202-2025
DECIDED ON: 05.08.2025**

SATISH KUMAR AND ANR.

.....PETITIONERS

VERSUS

NETAR SINGH & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANDEEP PANNU

Present: Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been preferred for setting aside the order dated 02.07.2025 passed by Addl. Civil Judge (Sr. Division), SAS Nagar, whereby the defence of the petitioners (defendants No.5 and 6) has been struck off.
2. The petitioners have challenged the validity of the order passed by the learned Additional Civil Judge (Senior Division), SAS Nagar, whereby the defence of the petitioners/defendants No. 5 and 6 was struck off due to their failure to file the written statement within the time frame prescribed under the Code of Civil Procedure (CPC). It is submitted by the petitioners /defendants No.5 and 6 that their counsel had been attending his ailing wife at PGI, Chandigarh due to which he was unable to appear and could not file the written statement and reply before the learned trial Court.

3. Learned counsel for the petitioners further submits that the petitioners are ready to file the written statement and reply, if one opportunity is granted to the them.

4. Although the period prescribed under Order 8 Rule 1 CPC should generally be adhered to but the provisions contained in the same are directory in nature and the Court should, therefore, not be too harsh in not allowing the filing of written statement by striking of the defence.

5. Keeping in view the facts and circumstances of the present case and also the fact that the case is at initial stage wherein plaintiffs/respondents are yet to lead the evidence and in the interest of justice, the present petition is allowed and the impugned order dated 02.07.2025 passed by Addl. Civil Judge (Sr. Division), SAS Nagar is hereby set aside. The petitioners/defendants No.5 and 6 are granted one effective opportunity to file the written statement before the learned trial Court subject to payment of costs of Rs.5,000/- to be paid to the plaintiffs before the learned trial Court.

05.08.2025

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No