



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

114

Civil Revision No.1419 of 2025 (O & M)

Date of decision :-10.03.2025

Sonia

.....Petitioner

Versus

Monika Grover and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Arora, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 04.9.2024 (Annexure P-3) passed by the learned Civil Judge (Jr. Divn.), Ferozepur, in Civil Suit No.645 of 28.3.2024, titled as 'Monika Grover vs. Sonia and others', vide which the defence of the petitioner/defendant has been struck off by Court order.

On 04.9.2024 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Ferozepur :-

“Matter was fixed for filing written statement on behalf of defendants subject to last opportunity, same is not filed. Learned counsel for the defendant has appeared and requests for an adjournment for filing the same. Perusal of the record shows that defendants have put in appearance in their case on 15.04.2024 but till date written statements has not filed by them



despite availing sufficient opportunities. The Statutory period of 90 days has already been elapsed. Neither written statement has been filed nor any sufficient ground has been shown which may justify granting further adjournment for filing written statement beyond the statutory period. So, defence of defendant is struck off by order of the court.

Case is adjourned to 03.10.2024 for evidence of the plaintiff.”

Learned counsel for the petitioner submits that the petitioner is a poor lady who is being represented by legal aid counsel before the learned trial Court. It is submitted that the petitioner has filed the present revision petition against her sister-in-law/Nanad, who has filed the instant civil suit to evict the petitioner from the suit property. Learned counsel further submits that the husband of the petitioner had expired and she has two minor children and was therefore was unable to file the written statement. Thereafter the impugned order dated 04.9.2024 (Annexure P-3) has been passed by the learned trial Court striking off the defence of the petitioner.

Learned counsel submits that the petitioner would suffer irreparable loss if the impugned order dated 04.9.2024 (Annexure P-3) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner herein to file her written statement, as grave injustice will be caused to her if she is not permitted to do so.



After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner, this petition is allowed and impugned order dated 04.9.2024 (Annexure P-3) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to file her written statement, however subject to payment of Rs.5000/- as costs to the respondents therein.

Disposed of as above.

Pending application(s), if any, stands disposed of.

March 10, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No