



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

117-II

Civil Revision No.1436 of 2025 (O & M)**Date of decision :-10.03.2025****Bal Krishan and others****.....Petitioners****Versus****Harbhajan Singh****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Madan Lal, Advocate
for the petitioners.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 07.10.2024 (Annexure P-2) passed by the learned Civil Judge (Jr. Divn.), Mukerian, District Hoshiarpur, in Civil Suit No.154 of 2024, titled as 'Harbhajan Singh vs. Bal Krishan and others', vide which defence of the defendants/petitioners herein has been struck off.

On 07.10.2024 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Mukerian :-

"1. This order of mine shall dispose off the application for striking off defence of respondent/defendants on account of not filing the written statement.

2. The applicant/plaintiff has filed the present application on the ground that the respondent/defendant has appeared before this Court on 22.04.2024 through his counsel but he has not filed



their written statement before the court till today. Rather, the case was fixed upon 23.05.2023, 11.07.2024, 30.07.2024 and 12.09.2024 but the respondents/defendants did not filed their written statement on the said dates before the Court nor they have filed any application in this regard. The respondents/defendants in order to delay the proceedings of the case making lame excuses on each and every date of hearing i.e. 23.05.2023 to 12.09.2024. As per law, the respondents/defendants are bound to file the written statement in the present case within stipulated time of 30 days and with the permission of this court and now about three months have been passed but the respondents/defendants have not filed their written statement. Hence, the defense of the respondents/defendants is liable to be struck off. .

3. Heard. Reply of the application for striking of defence of the defendants not filed since 12.09.2024. The perusal of the file shows that Ms. Meenu Kaushal, Adv. and Sh. Govind Singh Kaushal, Adv. filed power of attorney on behalf of defendants No.1 and 3 on 22.04.2024. Thereafter, the case was fixed for filing written statement but inspite of availing various opportunities written statement not filed. So, thereafter the application for striking off defence of defendant for not filing of written statement filed on 12.09.2024. But inspite of that written statement not filed. So, this shows that the defendant is trying to linger on the matter with one pretext to another. In view of the unrebutted averments mentioned in the application, the application for striking off defence of defendants on account of not filing the written statement is allowed. Accordingly, the defence of



defendants struck off. Now to come up on 06.11.2024 for PWs.”

Learned counsel for the petitioners submits that after appearance on 22.4.2024 through counsel they have been granted only two opportunities i.e. 23.5.2024 and 11.7.2024 to file written statement, which they could not file because the relevant record pertaining to their written statement was to be collected from a Court at Jalandhar and when they were making efforts to collect the same, in the meanwhile, the respondent/plaintiff had moved an application on 12.9.2024 for striking off their (petitioners’) defence and sought reply to the same. Now, for that purpose the matter was adjourned first to 24.9.2024 and thereafter on the next date of hearing i.e. 07.10.2024 (Annexure P-2) the impugned order was passed.

Learned counsel submits that the petitioners would suffer irreparable loss if the impugned order dated 07.10.2024 (Annexure P-2) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners herein to file their written statement, as grave injustice will be caused to them if they are not permitted to do so.

After hearing learned counsel for the petitioners, 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 petitioners this petition is allowed and impugned order dated 07.10.2024 (Annexure P-2) is set aside. The learned Court below is



directed to grant one effective opportunity to enable the petitioners herein to file written statement, however subject to payment of Rs.10,000/- as costs to the respondent herein.

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