

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****123****CR-2622-2025 (O&M)****Date of decision: 01.05.2025****Karan Singh alias Karen deceased through heirs****...Petitioner(s)****Vs.****Rampat and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Dr. Mewa Singh, Advocate for the petitioners.

NIDHI GUPTA, J.

The present civil revision petition has been filed by the legal representatives of defendant No.2 under Article 227 of the Constitution of India for setting aside the impugned order dated 06.10.2022 (Annexure P-23) passed by the learned Additional Civil Judge (Senior Division) Rewari, in civil suit No. 819 dated 04.07.2017 in cash titled as "*Rampat vs. Hazari*", whereby the defence of the petitioner has been struck off.

2. Ld. Counsel for the petitioners submits that the petitioners are ordinary, rustic villagers and are residing in a remote distantly situated and very backward area. As such, the petitioners are not aware about the complexity of procedure of law, and they were fully dependent upon their counsel for each step required to be taken. It is also submitted that the deceased defendant No.2 was not able to contact his counsel due to his old age. It is submitted that in case the impugned order is not set aside, and the petitioners are not permitted to file written statement, immense injustice



will cause to them. It is accordingly prayed that the present revision petition be allowed; the impugned order dated 06.10.2022 (Annexure P-23) be set aside; and one effective opportunity be granted to the petitioners to file written statement.

3. No other argument is raised on behalf of the petitioners.

4. I have heard learned counsel for the petitioners and perused the case file in great detail.

5. I find no merit in the submissions made on behalf of the petitioners. The record reveals that the plaintiff/respondent No.1 herein, had filed a suit on 19.06.2017 (Annexure P-1) for possession by way of partition and permanent injunction. The petitioners had put in appearance in the said suit on 28.08.2017 as evident from zimni order of said date (Annexure P-2). Perusal of the zimni orders from Annexure P-3 to Annexure P-22 reveals that despite grant of numerous opportunities, petitioners had failed to file written statement. The zimni order dated 22.05.2018 (Annexure P-8) reveals that defendant No.2 had expired and time was granted to file application for the impleadment of LRs of defendant No.2. The said application was filed by the petitioners on 08.07.2019 as evident from zimni order of said date (Annexure P-13). Thereafter, the matter was adjourned due to Covid-19. The said application was allowed vide zimni order dated 19.05.2022 (Annexure P-21). Last opportunity was granted to the petitioners to file reply vide zimni order dated 30.07.2022 (Annexure P-22). However, as written statement was not filed by the petitioners,



subsequently vide impugned order dated 06.10.2022 (Annexure P-23), defence of the petitioners was struck off.

6. The above sequence of events demonstrates the lackadaisical attitude of the petitioners. Besides the above, on a Court query to learned counsel for the petitioners as to why order dated 06.10.2022 was being challenged 2 ½ years later by way of present civil revision petition filed on 25.04.2025, learned counsel for the petitioners has no reply. On another Court query as to the stage of trial, learned counsel for the petitioners has candidly informed that the case is at the stage of defence evidence.

7. In view of the above, no ground is made out to set aside the impugned order dated 06.10.2022 (Annexure P-23). The present civil revision petition is hereby **dismissed**.

8. Pending application, if any, stands disposed of.

01.05.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No