



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

122

CR-4302-2025 (O&M)

Date of Decision: 16.07.2025

VIRENDER SINGH @ NARENDER

.....Petitioner

Vs.

KULDEEP SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Puneet Kakkar, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is the defendant in Civil Suit titled 'Kuldeep Singh Vs. Virender Singh @ Narender bearing CIS No.CS/282/2017 pending before learned Additional Civil Judge (Sr. Division), Samlakh. He is aggrieved by the order dated 27.09.2021 passed by the trial Court whereby his defence was struck off.

2. Learned counsel submits that daughter of the petitioner was suffering from critical disease of intestine and was under regular treatment as indoor patient as well as outdoor patient from 03.12.2019 till her death on 25.12.2021. Because of this reason, he could not pursue the case before the trial Court and could not file the written statement on 27.09.2021. Learned counsel submits further that petitioner moved an application on 10.08.2022 (*Annexure P-2*) before the trial Court for recalling the order dated 24.09.2021 disclosing all these reasons including the hospitals where his daughter was admitted, but said application has been declined by the trial Court by way of the order dated 20.05.2025 by observing that impugned order was an interlocutory order and the only remedy was to file revision against the same. Learned counsel submits that suit of the plaintiff-respondent is for specific performance and that high stakes of the petitioner-defendant are involved and that he be provided an opportunity to file the written statement.



3. Having considered all the facts and circumstances and having perused the paper book, this Court is of view that the impugned order cannot be sustained. As such, the impugned order whereby defence of the petitioner-defendant was struck off, is hereby set aside, but subject to ₹10,000/- as costs payable to the respondent-plaintiff by way of a demand draft.

4. The trial Court shall provide one opportunity to the petitioner-defendant to file the written statement, subject to payment of costs as above.

5. Since, this order has been passed without issuing any formal notice to the respondent-plaintiff, therefore, he will be at liberty to approach this Court, in case he feels aggrieved.

Disposed of.

16.07.2025

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(DEEPAK GUPTA)
JUDGE

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