



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

243

CR-7561-2018

Date of Decision: 18.03.2025

The Samagh Cooperative Agricultural Society Ltd. and others

.... Petitioners

Versus

Darshan Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Surinder Garg, Advocate for the petitioners.

NIDHI GUPTA, J. (ORAL)

Challenge in the present revision petition is to the order dated 02.08.2018 (Annexure P-2), passed by the learned Civil Judge (Junior Division), Gidderbaha, whereby the defence of the petitioner/defendants No. 1, 3, 4 and 17 was struck off.

Learned counsel for the petitioner/defendants No. 1, 3, 4 and 17, *inter alia* submits that respondent No. 1-plaintiff filed a suit for declaration to the effect that he is owner in possession of the land measuring 4 Marla-7-½ Sarsahi, out of land measuring 2 Kanals-0 as fully detailed in the head note of the plaint (Annexure P-1). Notice was issued to the defendants; and the petitioner/defendants No. 1, 3, 4 and 17 along with their co-defendants have appeared before the learned trial Court through their respective Counsel, but failed to file the written statement within a period of 90 days as prescribed under Order VIII Rule 1 CPC. As such, their defence was struck off vide impugned order dated 02.08.2018



(Annexure P-2). It is prayed that the impugned order dated 02.08.2018 and (Annexure P-2) may be set aside and the petitioner/defendants No. 1, 3, 4 and 17 may be granted one opportunity to file written statement.

I have heard learned counsel for the petitioners/defendants No. 1, 3, 4 and 17 and perused the case file in great detail.

Without commenting upon merits of the case as well as the averments made in the petition, but in view of principles of natural justice, equity, good conscience and fair play; the impugned order dated 02.08.2018 (Annexure P-2) is **set aside**. It is directed that the petitioner/defendants No. 1, 3, 4 and 17 be granted one effective opportunity to submit their written statement, however, subject to costs of **₹10,000/- each (in total ₹40,000/-)** to be paid by them directly to respondent No. 1-plaintiff.

The instant revision petition stands **disposed of**, accordingly.

18.03.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No