



CR-6585-2025 (O&M)

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

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**CR-6585-2025 (O&M)
Decided on :- 17.09.2025**

Sodhi Vikram Singh

....Petitioner

VERSUS

Tikka Sodhi Harkirat Singh and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Dilmrig Nayani and Mr. Yuvraj Dhanajaya, Advocates
for the petitioner.

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MANDEEP PANNU J.

1. Present civil revision has been filed by the petitioner/defendant No.1 under Article 227 of the Constitution of India for setting aside the impugned order dated 28.08.2025 passed by the learned Civil Judge (Junior Division), Anandpur Sahib, whereby the defence of the petitioner was struck off.

Brief facts

2. The brief facts necessary for disposal of the present revision are that on 19.05.2025, the present petitioner/defendant No.1 was proceeded against ex parte by the trial Court. Subsequently, the said ex parte order was set aside on 17.07.2025 subject to payment of costs of ₹100/- to be deposited with the DLSA. The case was adjourned to 01.08.2025. On that date, learned trial Court granted an opportunity to the petitioner to file the written statement, subject to further costs of ₹500/-. However, on the next date of hearing, i.e. 28.08.2025, the written statement of the petitioner was not filed. Taking note of the fact that the costs imposed earlier were not paid and that even after setting aside the ex parte proceedings, the petitioner failed to avail the opportunity, the learned trial Court passed the impugned order striking off the defence of defendant No.1/petitioner.



3. Learned counsel appearing for the petitioner has submitted that the petitioner had no intention to delay the proceedings. Rather, the petitioner had remained out of Country and could not arrange for filing of written statement within the short span of time granted after setting aside the ex parte proceedings. It is contended that only one effective opportunity was given to the petitioner to file written statement and the consequence of striking off the entire defence is harsh and disproportionate. It is further submitted that the petitioner is ready and willing to file the written statement without any further delay and also undertakes to pay all costs that may be imposed by this Court in order to compensate the respondent.

Findings

4. I have considered the submissions advanced by learned counsel for the petitioner and perused the record.

5. The facts are not much in dispute. Admittedly, the petitioner was proceeded against ex parte on 19.05.2025. The said order was set aside on 17.07.2025 and an opportunity was granted to him to join the proceedings on payment of costs. Thereafter, on 01.08.2025, another opportunity was granted to file the written statement subject to further costs. The petitioner failed to file the written statement on 28.08.2025, resulting in the impugned order whereby his defence was struck off.

6. The only question for consideration before this Court is whether the trial Court was justified in striking off the defence of the petitioner in the given circumstances. It is a settled proposition of law that rules of procedure are meant to advance the cause of justice and not to stifle it. Although the trial Court was within its jurisdiction to impose costs and control its own proceedings, yet striking off the defence is a drastic step and ought to be resorted to sparingly, only when it is



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apparent that the conduct of the party is contumacious and intended to delay the proceedings.

7. In the present case, after setting aside of the ex parte proceedings, only one effective opportunity was granted to the petitioner for filing the written statement. The explanation tendered by the petitioner that he was out of country has not been seriously disputed. It cannot, therefore, be said that the petitioner was deliberately prolonging the trial or abusing the process of the Court. The inconvenience caused to the respondent can be compensated adequately by imposition of costs. Denying the petitioner an opportunity to contest the matter on merits would amount to condemning him unheard, which is contrary to the settled principle that justice should not only be done but also appear to have been done.

Conclusion

8. For the reasons recorded above, the impugned order dated 28.08.2025 passed by the learned Civil Judge (Junior Division), Anandpur Sahib, striking off the defence of the petitioner, cannot be sustained and is accordingly set aside. The present civil revision is allowed, subject to the petitioner filing his written statement positively within two weeks from the date of passing of this order, before the trial Court and also subject to payment of costs of ₹5,000/- to be paid to the respondent before filing of the written statement. In case of default in either of the conditions, the petitioner shall forfeit his right to file the written statement. The trial Court shall thereafter proceed with the matter in accordance with law and dispose of the same expeditiously.

9. Pending application(s), if any, also stand disposed of.

September 17, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No