



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

118

CR-6622-2025

Date of Decision: 26.09.2025

Pawan Kumar

.....Petitioner

Vs.

Rajbir

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gurcharan Singh Bains, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. The present civil revision petition has been preferred against order dated 21.05.2025, passed by learned Civil Judge (Sr. Division), Charkhi Dadri in CS-1194-2020, whereby, right of petitioner/defendant to file written statement has been closed.

2. Learned counsel for the petitioner contends that he was proceeded *ex parte*, vide order dated 13.09.2022 and, he moved an application for setting aside *ex parte* order dated 13.09.2022. The same was allowed vide order dated 12.03.2025 subject to cost of Rs.1,000/- and the case was adjourned to 21.05.2025 for filing the written statement. On the next date of hearing i.e. 21.05.2025, the right to file written statement by the petitioner was closed. He further contends that written statement was not filed by the learned counsel for the petitioner since, he was apprehending that the respondent would be withdrawing the civil suit filed by him, as the



compromise dated 29.10.2024 had been arrived at between the parties. Therefore, he did not file the written statement. He further contends that written statement is ready and the next date of hearing in Civil Suit No.1194 of 2020 is 06.11.2025 and the petitioner undertakes to file the written statement on 06.11.2025.

3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

4. A perusal of file shows that petitioner could not file the written statement due to apprehension that the civil suit filed by the respondent would be withdrawn since the compromise was effected between the parties on 29.10.2024. This Court is of the view that a *lis* should be decided on merit rather on technicalities. Pleadings of both the parties would obviously help the Court to decide the *lis* on merit. Therefore, justice demands that one effective opportunity is required to be granted to the petitioner/defendant to file written statement for just and proper decision of the case.

5. Hence, the present revision petition stands allowed and order dated 21.05.2025 passed by learned Civil Judge (Sr. Division), Charkhi Dadri, is set aside to the extent of closing the right of the petitioner to file written statement. The petitioner is granted one last effective opportunity to file written statement on the date fixed before the learned trial Court. The learned trial Court is directed to accept the written statement filed by the petitioner on the next date fixed i.e. 06.11.2025.

6. Learned Civil Judge (Senior Division), Charkhi Dadri, is hereby directed to permit the petitioner to file written statement on the next date of hearing. In the event that the hearing scheduled for 06.11.2025 does not take



place for any reason and matter is adjourned, the petitioner shall be granted one effective opportunity to file his written statement on the next date of hearing.

September 26th, 2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No