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

**CR-1002-2025(O&M)
Date of decision:-19.02.2025**

Vijay Singh and others

...Petitioners

Versus

Mohar Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Sourabh Sheoran, Advocate
for the petitioners.

SUVIR SEHGAL, J.(ORAL)

1. This revision petition has been filed by the defendants No.16, 15 and 8, respectively under Article 227 of the Constitution of India for setting aside order dated 16.12.2024, Annexure P2, passed by the learned Civil Judge (Jr. Divn.), Charkhi Dadri, whereby the defence of the petitioners has been struck off.

2. Counsel for the petitioners submits that a civil suit, Annexure P1, has been filed by the respondent No.1 – plaintiff for partition of Gair Mumkin land situated in Rakba Mauja Badhra, Tehsil Badhra, District Charkhi Dadri against 107 defendants. He states that the petitioners were served and appeared before the Trial Court through their counsel, who has supplied with all the necessary documents, but he did not file the written statement and the impugned order was passed striking off their defence. Counsel for the petitioners has requested that one opportunity be granted to the petitioners to file written statements, subject to any reasonable cost to be imposed by this Court.



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3. I have heard counsel for the petitioners and considered his submissions.

4. Noticing the nature of prayer made by the petitioners, this Court does not deem it necessary to call upon the respondent No.1 – plaintiff as that is likely to cause delay. Perusal of the impugned order, Annexure P2, passed by the Trial Court shows that the petitioners have been lax in filing the written statement. Although they had appeared before the Trial Court in February and December, 2023, but despite grant of repeated opportunities, they did not file their response. Be that as it may, in case the petitioners are not given an opportunity to explain their stand, their case is likely to be seriously prejudiced.

5. Accordingly, impugned order dated 16.12.2024, Annexure P2, is set aside qua the petitioners, who are granted one opportunity to file their written statement (s) within a period of six weeks from today. This will be subject to cost of Rs.10,000/- by each of the petitioners with the Punjab & Haryana High Court Employees Welfare Association, Chandigarh, Account No.37167209613, IFSC Code: SBIN0050306, State Bank of India, High Court Branch, Chandigarh. Deposit of cost shall be a pre condition to the grant of opportunity by this Court.

6. Petition is disposed off.

7. Pending application, if any, is disposed off.

(SUVIR SEHGAL)
JUDGE

19.02.2025

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No