



CM-11226-CII-2025 in/and
CR-2344-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(107)

CM-11226-CII-2025 in/and
CR-2344-2025 (O&M)
Date of Decision: - 02.07.2025

Makrand Singh

....Petitioner

Versus

Anshul Gupta

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Saksham Parmar, Advocate,
for the petitioner.

Mr. Anshul Gupta, respondent through Video Conferencing.

VIKAS BAHL, J. (ORAL)

CM-11226-CII-2025

1. This is an application under Section 151 CPC for revival of the revision petition which was disposed of vide order dated 30.04.2025.
2. For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The order dated 30.04.2025 is recalled and the main petition is restored to its original number.

CR-2344-2025

1. Present civil revision petition has been filed under Article



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227 of the Constitution of India for setting aside the order dated 04.01.2025 (Annexure P-11) passed by the Civil Judge (Junior Division), Gurugram whereby the application filed by the present respondent under Order 8 Rule 1 and 10 for striking off the defence of the petitioner has been allowed and the defence of the petitioner-defendant has been struck off.

2. Learned counsel for the petitioner has submitted that although there was some delay on behalf of the earlier counsel for the petitioner but after the petitioner learnt the fact that his earlier counsel had repeatedly taken adjournments, the petitioner had changed his counsel. It is further submitted that even an application under Order 7 Rule 11 CPC was filed by the petitioner which was dismissed vide order dated 29.11.2024 and thereafter, the impugned order striking off the defence of the petitioner had been passed. It is submitted that the petitioner be granted one last opportunity to file his written statement and for the inconvenience caused to the respondent, the petitioner is ready to pay reasonable costs.

3. Mr. Anshul Gupta/respondent, appearing through video conferencing, has submitted that he had filed a suit for recovery of Rs.8,00,000/- along with interest and costs in the year 2023 and in the said case, the petitioner had appeared on 04.08.2023 and thereafter, had sought several adjournments to file the written statement. It is further submitted that even a frivolous application under Order 7 Rule 11 CPC



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for rejection of the plaint was filed only to delay the proceedings, which was dismissed vide order dated 29.11.2024. It is argued that even thereafter the written statement was not filed and thus, the Court had passed the order dated 04.01.2025. It is highlighted that after 04.01.2025, three witnesses of the plaintiff have been examined-in-chief and the cross-examination of one of the witnesses i.e. PW-1 has been fixed for 25.07.2025. It is submitted that in case one last opportunity is to be granted to the petitioner, then the same should be subject to heavy costs and also the petitioner should not be permitted to take any adjournment for the purpose of cross-examination of the said PW-1 who is to appear on 25.07.2025.

4. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioner as well as by the respondent, the impugned order dated 04.01.2025 (Annexure P-11) is set aside and the present revision petition is disposed of with the following directions/observations: -

- (i) The petitioner would deposit an amount of Rs.40,000/- as costs, on or before 15.07.2025, by moving an application before the trial Court and on the petitioner depositing the said amount, the trial Court would release the same to the respondent. In case the said amount is not deposited within the aforesaid period, the present revision petition would be deemed to have been dismissed.



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- (ii) The petitioner would also file the written statement on or before 15.07.2025 by moving an application before the trial Court. In case the same is not done, the present revision petition would be deemed to have been dismissed.
- (iii) In case conditions No.(i) and (ii) are met by the petitioner, then, the respondent would file the replication, if any, on or before 21.07.2025.
- (iv) In case, the witness (PW-1) presents himself for his cross-examination on 25.07.2025, no adjournment would be taken by the learned counsel for the petitioner for the purpose of his cross-examination and the counsel for the petitioner would be ready to cross-examine the said witness.
- (v) All the parties concerned shall fully assist the trial Court in the expeditious disposal of the case.

July 02, 2025

naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No