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

(123)

CR-2228-2025

Date of Decision: - 08.04.2025

Kultar Singh Mahal (since deceased) through LRs**....Petitioners****Versus****Sukdeep Attwal Cheema and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. F.S. Virk, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.10.2024 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Patiala in CIS No.SUCC/22/2022, whereby the defence of the present petitioners to file written statement has been struck off. Challenge is also to the order dated 13.02.2025 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Patiala whereby the application filed by the petitioners against the order dated 29.10.2024 has been dismissed.

2. Learned counsel for the petitioners has submitted that the petitioners are the LRs of respondent No.3 in the petition for grant of

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succession certificate with respect to property of the deceased Baljit Kaur Mahal. It is further submitted that the said respondent No.3 was the son of Baljit Kaur Mahal. It is argued that initially the present petitioners were proceeded against ex-parte vide order dated 06.04.2023 and the said order was set aside on 21.03.2024 and thereafter, vide order dated 29.10.2024, the defence of the present petitioners was struck off. It is stated that till date no evidence of the respondents, who had filed the petition for grant of succession certificate has been led and and in case the petitioners are not granted an opportunity to file the written statement, then, irreparable loss would be caused to them. It is stated that for the inconvenience caused to respondents No.1 to 4, the petitioners are ready to pay appropriate costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one last opportunity to file written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 29.10.2024 (Annexure P-3) as well as the order dated 13.02.2025 (Annexure P-5) are set aside to the extent that the defence of the petitioners has been struck off and the petitioners are granted one last opportunity to file the written statement within a period of 15 days from today by moving an application before the trial Court and the same would be subject to the petitioners depositing the cost of Rs.40,000/- and on their depositing the said amount, the same would be released by the trial Court to respondents No.1 to 4 in equal proportion.



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4. It is made clear that in case the written statement is not filed within a period of 15 days from today or the cost of Rs.40,000/- is not deposited by the petitioners within the said period, then, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to respondents No.1 to 4 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondents No.1 to 4 in order to defend the present petition. However, it would be open to respondents No.1 to 4 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

April 08, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No