



CR-3670-2025

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

(141)

CR-3670-2025

Date of Decision: - 01.07.2025

Jagbir Singh

...Petitioner

Versus

Ashok Kumar and another

....Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sunny K. Singla, Advocate, for the petitioner.

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**VIKAS BAHL, J. (ORAL)**

1. Present civil revision petition has been filed under Article 227 of the Constitution of India against the impugned orders dated 17.04.2025 (Annexure P-7) and dated 21.07.2023 (Annexure P-5) passed by the Additional Civil Judge (Junior Division), Faridkot.

2. Learned counsel for the petitioner has submitted that in the present case, the suit was filed on 14.08.2020 and notice was issued for 23.11.2020 on which date the defendants were not served and thus, the case was adjourned to 16.12.2020. It is pointed out that on 16.12.2020, since the Court was not held, thus, the matter was adjourned to 18.02.2021 and on 18.02.2021, the present petitioner appeared and thereafter on 11.05.2021, the case was adjourned on account of Covid-19 Pandemic and on the next date i.e. 17.08.2021, the petitioner (defendant No.1) filed the written statement. It is further submitted that thereafter on

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14.12.2021, the respondent No.1-plaintiff filed an application under Order 6 Rule 17 CPC read with Section 151 CPC for amendment of the plaint and the said application was allowed on 14.03.2023 with a direction to the petitioner to file amended written statement to the amended plaint. It is argued that the petitioner does not wish to file any amended written statement to the amended plaint and would be satisfied in case the written statement already filed is taken as written statement to the amended plaint. It is submitted that however vide order dated 21.07.2023, defence of the petitioner was struck off and even the application filed by the petitioner, in which it was specifically averred that the original written statement be read as written statement to the amended plaint, was also dismissed vide the impugned order dated 17.04.2025. It is argued that till date no plaintiff witness has been examined and the case is now fixed for 15.07.2025 and that for the inconvenience caused to respondent No.1/plaintiff, the petitioner is ready to pay adequate costs. It is reiterated that the written statement already filed be treated as the written statement to the amended plaint.

3. Keeping in view the above-said facts and circumstances, the present revision petition is partly allowed and the impugned order dated 17.04.2025 (Annexure P-7) as well as the order dated 21.07.2023 (Annexure P-5) to the extent that the defence of the petitioner has been struck off are set aside, subject to the petitioner depositing an amount of Rs.25,000/- as costs, on or before 15.07.2025 and on his depositing the said amount, the same would be released by the trial Court to respondent

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No.1/plaintiff.

4. It is made clear that in case, the petitioner does not deposit the costs of Rs.25,000/- on or before 15.07.2025, 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 respondent No.1 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it would be open to respondent No.1 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

**July 01, 2025***naresh.k***( VIKAS BAHL )  
JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No