



CR No. 3008 of 2025

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

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CR No. 3008 of 2025

DATE OF DECISION :- 19.05.2025

**Gaurav Aggarwal and another****...Petitioners****Versus****Kalyani Jha and others****...Respondents****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Vikas Saroha, Advocate for the petitioners.**\*\*\*****NIDHI GUPTA, J. (ORAL)**

1. Challenge in the present revision petition is to the order dated 24.01.2025 (Annexure P-3), passed by the learned Civil Judge (Junior Division), Faridabad, whereby the defence of the petitioners/defendants No. 1 and 2 was struck off.
2. Brief facts of the case are that respondents/plaintiff filed a suit seeking specific performance of the contract/agreement of sale and permanent injunction against the defendants/respondents No. 1 and 2. The summons were issued in the suit and after issuance of summons, the petitioners/defendants appeared on 24.07.2024 and thereafter, the case was adjourned to 25.07.2024. On 25.07.2024, counsel for the petitioners made a statement that they will not alienate the suit property and the case was adjourned for 11.09.2024 for filing written statement and reply. On 11.09.2024, counsel for the petitioners sought time to file the reply and case



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was adjourned to 22.11.2024. On 22.11.2024 again reply was not filed. Subsequently, on 17.12.2024, defendants No. 3 and 4 filed an application for impleading the defendants and the case was adjourned to 20.01.2025 for filing written statement. Thereafter, several adjournments were given to defendants No. 1 and 2 for filing their written statement, however, they failed to do so; and vide impugned order dated 24.01.2025 (Annexure P-3) their defence has been struck off. Hence, the present revision petition.

3.                      I have heard learned counsel for the petitioners/defendants No. 1 and 2 and perused the case file in great detail.

4.                      Without commenting upon merits of the case as well as the averments made in the petition, but in view of principles of natural justice, equity, good conscience and fair play; this petition is being **disposed of** without issuing Notice of Motion to the respondents as that will only further delay be matter; the impugned order dated dated 24.01.2025 (Annexure P-3) is set aside. It is directed that the petitioners be granted one effective opportunity to submit their written statement, however, subject to costs of **₹10,000/-** to be paid by the petitioners directly to respondents No. 1 and 2-plaintiffs within 02 weeks from today, failing which the present petition shall be deemed to be dismissed.

5.                      Pending application(s), if any, shall also stand disposed of.

**(NIDHI GUPTA)**  
**JUDGE**

**19.05.2025**

*P.Singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No