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

CR-1414-2025

Date of decision: 11.03.2025

Piyush

...Petitioner

Versus

Jagdish Malhotra

...Respondent

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

Present: Mr. Vipin Pal Yadav, Advocate and  
Mr. J.S. Sohal, Advocate for the petitioner.

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

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 03.01.2024 (Annexure P-6) passed by the Civil Judge (Junior Division), Gurugram in Civil Suit No.CS/1288/2023 titled as “Sh. Jagdish Malhotra Vs. Sh. Piyush” whereby the defence of the petitioner has been struck off.

2. Learned counsel for the petitioner has submitted that the petitioner is sole defendant and in case, no opportunity is granted to the petitioner to file his written statement then he would suffer irreparable loss. It is submitted that for the inconvenience caused to respondent-plaintiff, the petitioner is ready to pay heavy costs as there is delay in challenging the impugned order dated 03.01.2024. It is further submitted that only examination-in-chief of one PW has been recorded and no other evidence of



the plaintiff has been recorded and the case is now fixed for 22.05.2025.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity on payment of costs should be granted to the petitioner to file his written statement. Accordingly, the present revision petition is partly allowed and the impugned order dated 03.01.2024 to the extent that the defence of the petitioner has been struck off, is set aside and the petitioner is granted one last opportunity to file his written statement within a period of three weeks from today by filing an application before the trial Court. Same would be subject to the petitioner depositing an amount of Rs.50,000/- within a period of three weeks from today before the trial Court. On deposit of the said amount, the same would be released by the trial Court to the respondent/plaintiff.

4. It is made clear that in case the said amount is not deposited or written statement is not filed within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would also entail the expenses for respondent to defend the present revision petition. However, it would be open to respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

**11.03.2025**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**