



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

129

CR-6543-2025

Date of decision: 16.09.2025

Satish Kumar

.....Appellants

Vs.

Shishpal and Others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Varsha Sharma, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. The present civil revision petition is filed for setting aside order dated 12.05.2025, passed by learned Additional Civil Judge (Sr. Division), Narwana, District Jind in Civil Suit No.239 of 2024 titled as “***Shishpal V. Satpal & Ors.***”, whereby, the defense of petitioner/defendant No.3 has been struck off on account of failure to file written statement.
2. Learned counsel for the petitioner contends that the first date in the civil suit was 16.04.2024, therefore, the petitioner appeared for the first time on 26.11.2024 and gave his Memorandum of Appearance. That was the first opportunity to file written statement and the matter was thereafter adjourned to 03.02.2025. On that date, the petitioner could not file written statement and on the 2nd date itself i.e 12.05.2025, the defence of the petitioner was struck off.
3. Learned counsel for the petitioner contends that the written statement is ready and one last opportunity be granted to the petitioner to file



written statement on the next date of hearing before learned Addl. Civil Judge (Sr. Divn.)-cum-SDJM, Narwana, District Jind i.e 15.09.2025.

4. I have heard learned counsel for the petitioner and perused the whole file of this case with her able assistance.

5. A bare perusal of the file shows that the petitioner is granted only two opportunities to file written statement and on the second date itself, the defence of the petitioner was struck off. A perusal of the file further shows that certain documents were required to be attached with the written statement for which the delay in filing the written statement is caused. A lis should be decided on merits rather on technicalities, therefore, justice demands that one last opportunity is required to be given to the petitioner to file written statement.

6. Hence, the present revision petition stands allowed and order dated 12.05.2025 passed by learned Addl. Civil Judge (Sr. Divn.)-cum-SDJM, Narwana, District Jind is set aside to the extent of striking off the defence of the petitioner. The petitioner is granted one effective opportunity to file written statement on 03.11.2025 i.e the date already fixed before the learned trial Court. The learned trial Court is directed to accept the written statement filed by the petitioner on 03.11.2025.

September 16th, 2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No