



CR No. 4905 of 2025 (O&M) -1-

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4905 of 2025 (O&M)
DATE OF DECISION: 30.07.2025

BALVIR SINGH AND ANOTHER

.....PETITIONERS

Vs.

STATE BANK OF INDIA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Balkaran Singh Aulakh, Advocate,
for the petitioners.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The petitioners – defendants No. 2 and 3 have filed the present Civil Revision Petition under Article 227 of the Constitution of India for setting aside the impugned order dated 24.04.2025 (Annexure P-2), whereby the learned Additional Civil Judge (Senior Division), Sri Muktsar Sahib, has struck off the defence of the petitioners in Civil Suit bearing CNR No. PBSM020011632024, Case No. CM-147-2024, titled ***State Bank of India vs. Gurmail Singh and others.***

2. Learned counsel for the petitioners submitted that respondent No. 1–plaintiff filed a civil suit on 25.10.2024, seeking recovery of ₹1,07,000/- along with interest @ 12% per annum from 03.07.2023, which was the date on which payment was made by respondent No. 1–Bank to defendants No. 2 and 3. The petitioners–defendants No. 2 and 3 were served on 20.11.2024 and entered appearance on 22.01.2025. The written statement was filed on 24.04.2025, as per the certified copy (Annexure P-3). Though there was a delay in filing the written statement, the



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petitioners–defendants No. 2 and 3 intend to contest the civil suit filed by respondent No. 1–Bank, which is for recovery. In case the written statement is not taken on record, the petitioners–defendants No. 2 and 3 would suffer irreparable loss.

2.1 It is further submitted that valuable rights of the petitioners are involved and, as such, one opportunity may be granted to file the written statement, which shall be filed within a period of two weeks. The petitioners are ready to pay the costs to compensate for the delay.

3. Notice of motion.

4. Ms. Madhu Dayal, Advocate, accepts notice on behalf of respondent No. 1-Bank and has filed his ‘*Vakalatnama*’ in Court today. The same is taken on record. He opposes the prayer made by petitioners and prays for dismissal of the present petition.

5. I have considered the submissions made on behalf of the petitioners.

6. As per the provisions of Order VII Rule 1 of the Code of Civil Procedure, 1908 (for short, ‘the CPC’), written statement is to be filed within a period of 30 days from the date of issuance of summons, which is extendable upto 90 days. Order VIII Rule 10 of the CPC provides the procedure where the defendant fails to file the written statement.

7. It is well settled that rules of procedure are handmaid of justice and not to deny justice. In ***Kailash Vs. Nanhku and others, 2005(2) RCR (Civil) 379***, the Hon’ble Apex Court of India opined that though, Order VIII Rule 1 of the CPC is part of Procedural Law and hence directory, however, keeping in view the need for expeditious trial of cases, the time



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schedule contained in the provisions is to be followed as a rule and the departure therefrom would be by way of exception. The Hon'ble Apex Court further observed that a prayer for extension of time made by the defendants shall not be accepted as a matter of routine and the same is to be allowed in exceptional circumstances, by recording reasons.

8. The litigation *inter se* the parties is for recovery of an amount of ₹1,07,000/- along with interest @ 12% per annum from 03.07.2023, on which date the payment was made by respondent No. 1-Bank to the petitioners-defendants No. 2 and 3. As such, ousting them on account of non-filing of the written statement would adversely affect their rights. Therefore, it would be in the interest of justice that, in such cases, adjudication should be on merits. Accordingly, I am of the considered opinion that the petitioners-defendants No. 2 and 3 should be afforded an opportunity to file their written statement and defend the *lis* on merits. However, this shall be subject to payment of costs.

9. Consequently, the present petition is allowed; impugned order, dated 24.04.2025 (Annexure P-2), is set aside subject to payment of costs of ₹20,000/- to respondent No. 1-Bank. The petitioners-defendants No. 2 and 3 shall submit the written statement within a period of 15 days from today.

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

JULY 30, 2025
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No