



145+339

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

1. CR-5657-2025 (O&M)
Date of decision: 27.08.2025
- Sanjay Fotedar ...Petitioner
- Versus
- Arun Fotedar ...Respondent
2. CR-626-2025 (O&M)
Date of decision: 27.08.2025
- Arun Fotedar ...Petitioner
- Versus
- Sanjay Fotedar ...Respondent

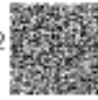
CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.K. Hooda, Advocate and
Mr. Sandeep Vermani, Advocate and
Mr. Aditya Vermani, Advocate and
Mr. Ajay Pal Singh Gill, Advocate for the petitioner
(In CR-5657-2025) and
for the respondent (In CR-626-2025)

Mr. V.K. Shali, Sr. Advocate (Through VC) with
Mr. Raghav Kapoor, Advocate for the petitioner
(In CR-626-2025) and
for the respondent (In CR-5657-2025)

VIKAS BAHL, J. (ORAL)

1. The present order would dispose of two revision petitions i.e., CR-5657-2025 and CR-626-2025. CR-5657-2025 has been filed by Sanjay Fotedar against his brother Arun Fotedar. Challenge in the said revision petition filed under Article 227 of the Constitution of India is to the order dated 03.02.2025 (Annexure P-3) passed in Civil Suit No.1946 of 2021 in case titled as "Arun Fotedar Vs. Sanjay Fotedar" by the Court of Civil Judge, Junior Division, Gurgaon, vide which the application filed by the petitioner under Section 151 CPC for recalling the order dated 22.12.2022, has been dismissed.

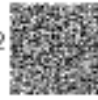


Further prayer has been made for setting aside the order dated 22.12.2022 vide which the defence of the petitioner/defendant had been struck off.

2. CR-626-2025 has been filed by Arun Fotedar against Sanjay Fotedar and in the said revision petition, challenge is to the order dated 13.11.2024 passed in Civil Suit No.1946 of 2021 titled as “Arun Fotedar Vs. Sanjay Fotedar”.

3. Arun Fotedar had filed a suit for partition against Sanjay Fotedar. In the said case, the said Sanjay Fotedar was sole defendant and his evidence was closed by order vide order dated 22.12.2022 and thereafter, an application for recalling was filed by Sanjay Fotedar which was dismissed vide order dated 03.02.2025 after noticing the fact that several opportunities were granted to the said Sanjay Fotedar. It was the case of Arun Fotedar that as many as 13 opportunities were given to the said Sanjay Fotedar for filing written statement but he had not filed the same and it was further case of Arun Fotedar that a preliminary decree should be passed in favour of Arun Fotedar in view of the fact that no written statement has been filed. On behalf of Sanjay Fotedar, it has been stated that since he is the sole defendant and he has already prepared his written statement and in case the said written statement is not taken on record, then, irreparable loss would be caused to him.

4. During the course of arguments, a consensus has been arrived at between learned Senior Counsel appearing on behalf of Arun Fotedar as well as learned counsel appearing on behalf of Sanjay Fotedar and it has been jointly submitted that the defendant-Sanjay Fotedar be given one last opportunity to place on record his written statement before the trial Court within a period of one week from today subject to the said Sanjay Fotedar



paying a cost of Rs.65,000/- to be paid to the plaintiff Arun Fotedar. It has further been agreed that plaintiff-Arun Fotedar should file replication, if any, within a period of two weeks from the said period of one week. It has been stated that both the parties would make every endeavour to fully assist the Court in expeditious disposal of the case and would not seek unnecessary adjournment. It has been jointly prayed that three effective opportunities, upto passing of the preliminary decree, be granted to each of the parties to lead their evidence and the trial Court be requested to decide the case expeditiously.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the petitioner as well as respondent, CR-5657-2025 is partly allowed and the impugned orders dated 22.12.2022 as well as 03.02.2025 challenged in CR-5657-2025 are set aside subject to the following observations/directions:-

- i) Sanjay Fotedar (defendant) would be given one last opportunity to place on record his written statement, if not already placed on record, within a period of one week from today. Same would be subject to the said Sanjay Fotedar depositing the amount of Rs.65,000/- with the trial Court within the aforesaid period of one week, which amount would be released to Arun Fotedar (plaintiff) by the trial Court. It is made clear that in case the defendant-Sanjay Fotedar does not deposit the abovesaid amount within the aforesaid period and does not file the written statement within the aforesaid period, then CR-5657-2025 would be deemed to have been dismissed.
- ii) In case of Sanjay Fotedar (defendant) complying with condition No.(i), then Arun Fotedar would be given two weeks time to file replication, if



- any.
- iii) The plaintiff-Arun Fotedar would then be given three effective opportunities to lead his entire oral and documentary evidence before the Court. Evidence of both the parties would be recorded in the Court as has been jointly stated by the parties and not by the Local Commissioner.
 - iv) After evidence of the plaintiff is concluded, the defendant would also be given three effective opportunities, upto passing of the preliminary decree, to conclude his evidence.
 - v) Both the parties and their counsel appearing before the trial Court, as has been undertaken before this Court, would fully assist the Court in expeditious disposal of the suit which was instituted in the year 2021. The trial Court is also requested to decide the case as expeditiously as possible.
 - vi) This Court has not opined on the merits of the case and it would be open to both the parties to raise all the pleas as are available to them in accordance with law before the trial Court and the trial Court would decide the same independently and in accordance with law.
6. In view of order passed in CR-5657-2025, CR-626-2025 stands disposed of.
7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

27.08.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No