



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

121

CR-4274-2025

Date of Decision.:15.07.2025

Umed

Petitioner

Vs.

Tarawati @ Tara Devi and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vikrant Rana, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Article 226 of Constitution of India, petitioner assails order dated 16.07.2024 (Annexure P-1) passed by learned Civil Judge (Junior Division), Gurugram in civil suit No.CS/254/2020, whereby his defence was struck off.

2. Petitioner was defendant No.12 in the suit before the trial Court. He was proceeded *ex parte* on 31.01.2020. His application for setting aside *ex parte* proceedings was allowed on 19.10.2023 and matter was adjourned for filing the written statement with last opportunity. However on the subsequent date written statement was not filed and ultimately vide the impugned order dated 16.07.2024, the defence was struck off.

3. Learned counsel submits that after 19.10.2023, matter was adjourned to 24.01.2024 and on that date substitution of the plaintiff was allowed but written statement was not filed. Learned counsel further submits

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that only one opportunity be provided to the petitioner- defendant No.12 so as to file the written statement, otherwise his rights will be affected as it is a case of partition of the property in dispute.

4. After hearing learned counsel for the petitioner and going through the paper-book, the present petition is hereby disposed of with a direction to the trial Court to provide one opportunity to the petitioner-defendant No.12 to file his written statement subject to ₹20,000/- as cost. In addition to this, petitioner shall also pay the cost which was earlier imposed by the trial Court. It is made clear that in case, cost as per this order is not paid, this order will have no effect.

5. Since this order has been passed without issuing any notice to the contesting respondent, therefore, he will be at liberty to approach this Court, in case he feels aggrieved.

**(DEEPAK GUPTA)
JUDGE**

July 15, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No