



CR-5193-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216

CR-5193-2025

Date of Decision: 22.08.2025

Radhika Goyal

...Petitioner

VERSUS

Tarunpreet Singh Sethi

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Kunal Mulwani, Advocate, with
Mr. Ritvik Garg, Advocate, for the petitioner.

Mr. Himanshu Sharma, Advocate, for the respondents.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been filed under Article 226 of the Constitution of India seeking to set aside the order dated 02.05.2024 (Annexure P-2), passed by the learned Additional Civil Judge, Dera Bassi, whereby the defence of the petitioner-defendant was struck off. The petitioner further seeks to challenge the impugned order dated 31.05.2025, passed by the learned Civil Judge, Dera Bassi, dismissing the application for recalling of the order dated 02.05.2024 in Civil Suit No.987 of 2022, titled "*Tarunpreet Singh Sethi Vs. Radhika Goyal*".

2. The brief facts of the case are that the respondent-plaintiff instituted a civil suit seeking recovery of the principal balance amount of Rs.2,83,652.94/- along with costs and interest at the rate of 18% per annum, amounting to Rs.91,411/-, against the petitioner-defendant. It has been averred that the respondent-plaintiff is engaged in the business of manufacturing cartons, boxes, cases, bags and other packaging containers used in offices, shops or for other commercial purposes. It is further alleged that the respondent-plaintiff had raised bills in respect of each work order executed, and the petitioner-defendant duly acknowledged receipt of such bills.

**CR-5193-2025****2**

2.1 Upon notice, the petitioner-defendant put in appearance through her previous counsel, who, after acquainting himself with the factual matrix of the case, obtained her signatures on the Vakalatnama and other relevant documents, assuring her that he would duly conduct the matter and keep her informed as and when her presence was required. However, the said counsel failed to discharge his professional obligations diligently, as a result of which the petitioner-defendant was proceeded against ex parte on 14.12.2022. Thereafter, the petitioner-defendant immediately moved an application under Order IX Rule 7 CPC for setting aside the ex parte proceedings, which was allowed vide order dated 14.08.2023. Subsequently, fresh summons were issued to the petitioner-defendant for 16.12.2024. On receiving the same, the petitioner-defendant contacted her counsel seeking clarification as to why summons were being issued despite her having already entered appearance through him. The explanation given by her counsel was unsatisfactory. Being unaware of the technicalities of litigation, she did not immediately engage another counsel to ascertain the correct status of the case. Ultimately, vide order dated 02.05.2024, on account of non-filing of the written statement, the defence of the petitioner-defendant was struck off. Thereafter, through newly engaged counsel, the petitioner-defendant filed an application dated 03.01.2025 seeking recall of the order dated 02.05.2024, but the same too was dismissed by the learned Court vide order dated 31.05.2025.

3. Learned counsel for the petitioner submits that due to the irresponsible and lackadaisical attitude of her previous counsel, the defence of the petitioner-defendant came to be struck off. It is further submitted that apart from the negligence of counsel, the petitioner-defendant was also undergoing severe personal hardships. Her father passed away on 19.04.2021 during the Covid-19 pandemic, and thereafter, her mother, who had been ailing, also expired on

**CR-5193-2025****3**

05.09.2022 owing to the trauma and shock of her husband's demise. Being the only child of her parents, the petitioner-defendant was left in a state of emotional trauma and depression after their death. It is also pointed out that there was no male member in the family to extend support, particularly as her marital relationship too had broken down, and her marriage stood dissolved by a decree of divorce by mutual consent within a month of its solemnization.

4. Learned counsel for the respondent-plaintiff has vehemently opposed the present revision petition, contending that the petitioner-defendant is only attempting to protract and delay the proceedings before the trial Court. It is further submitted that the present petition is not maintainable and deserves to be dismissed at the very threshold.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. Without commenting upon the merits of the case, the present petition is disposed of. The impugned orders dated 02.05.2024 and 31.05.2025 are hereby set aside. The petitioner-defendant is directed to file written statement before the learned trial Court within a period of one month from the date of receipt of certified copy of this order, subject to deposit of costs of Rs.20,000/- with the concerned District Legal Services Authority.

7. The present revision petition stands disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

22.08.2025*anil*

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No