



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

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Civil Revision No.5946 of 2025 (O & M)

Date of decision :-01.09.2025

Lakhbir Singh @ Lakha

.....Petitioner

Versus

M/s Phool Singh Krishan Lal

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vikram Rathore, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 05.7.2023 (Annexure P-1) passed by the learned Civil Judge (Jr. Divn.), Kurukshetra, in Civil Suit No.1030 of 2021 titled as "M/s Phool Singh Krishan Lal now M/s Phool Singh & Sons vs. Lakhbir Singh @ Lakha", vide which defence of the defendant/petitioner has been struck off. Further request has been made for setting aside the impugned order dated 18.7.2025 (Annexure P-2) vide which the application filed by the petitioner for grant of permission to place on record the written statement, was declined.

On 05.7.2023 the following impugned order was passed by the learned Civil Judge (Jr. Divn.), Kurukshetra :-

"Today the case was fixed for filing written statement on behalf of defendants. However, written statement on behalf of defendants not filed. From the perusal of case



file, it is transpired that service on behalf of defendants was effected on 25.05.2022 and Shri Vijay Raj, Advocate had appeared on behalf of defendant and sought adjournment for filing of written statement on various dates of hearing till today. This court is of the considered view that there is no ground to grant any further opportunity to defendants to file the written statement. Therefore, in view of the above-said facts and circumstances defence of defendant is hereby ordered to be Struck off.

Now to come up on 16.08.2023 for plaintiff evidence at own responsibility.”

Learned counsel for the petitioner/defendant submits that in the aforementioned civil suit, after issuing notice, the petitioner/defendant had put in appearance on 25.5.2022 through counsel and was granted time to file written statement. Thereafter, as many as four times i.e. 03.10.2022, 21.11.2022, 17.1.2023 and 31.5.2023 the matter was listed for filing written statement on behalf of petitioner/defendant but the same could not be filed. Thereafter the impugned order dated 05.7.2023 (Annexure P-1) has been passed by the learned trial Court. Thereafter, the petitioner/defendant has also filed an application under Order 8 Rule 1 read with Section 151 CPC for permission to place on record the written statement by the defendant, however, the same was dismissed vide detailed order dated 18.7.2025 (Annexure P-2) by the learned Civil Judge (Jr. Divn.), Kurukshetra.

Learned counsel submits that the petitioner/defendant would suffer irreparable loss if the impugned orders dated 05.7.2023



(Annexure P-1) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner/defendant herein to file his written statement, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. It is admitted by learned counsel for the petitioner that petitioner has availed eight opportunities for filing the written statement, whereas the same was required to be filed within 90 days. However, keeping in view the above facts as canvassed by learned Counsel for the petitioner/defendant, and in the larger interest of justice, this petition is allowed and impugned orders dated 05.7.2023 (Annexure P-1) and order dated 18.7.2025 (Annexure P-2) are set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioner herein to file his written statement, however subject to payment of Rs.2,00,000/- as costs to the respondent/plaintiff within two weeks from today, failing which, the present petition shall stand automatically dismissed without reference to this Court.

Disposed of as above.

Pending application(s), if any, stands disposed of.

September 01, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No