



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121+234

CR-4345-2024 (O&M)

Date of Decision: 25.04.2025

Sudesh Kumari and others

.... Petitioners

Versus

Maneesh Kareer and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Ms. Rishma Verma, Advocate for the petitioners.

Mr. Ashish Verma, Advocate for respondent No. 1.

**NIDHI GUPTA, J. (ORAL)**

1. Memo of Appearance filed on behalf of respondent No. 1 is taken on record.
2. Prayer in this revision petition under Article 227 of the Constitution of India, is for setting aside the impugned order dated 29.09.2022 passed by the learned trial Court in CS/1758/2022 titled as 'Maneesh Kareer vs. Sudesh Kumari & Ors.' whereby the defence of the petitioners/defendants No. 1 to 3 has been struck off on account of non-filing of written statement.
3. Learned counsel for the petitioner/defendants No. 1 to 3, *inter alia* submits that respondent No. 1-plaintiff filed a suit for partition of the property bearing No. ND-260 Measuring 06 Marlas situated at Mohalla Purani Kacheheri, Tehsil and District Jalandhar, as fully detailed in the head note of the plaint (Annexure P-2). Notice was issued to the



defendants; and the petitioner/defendants No. 1 to 3 along with their co-defendants have appeared before the learned trial Court, but failed to file the written statement within a period of 90 days as prescribed under Order VIII Rule 1 CPC. As such, their defence was struck off vide impugned order dated 29.09.2022. It is further submitted that the application filed for recalling of the aforesaid order has also been dismissed by the learned trial Court vide order dated 11.07.2023 (Annexure P-1). Learned counsel submits that the petitioners are defendants No. 1 to 3 in a suit for partition of the aforesaid property, by metes and bounds and would be seriously prejudiced, if they are not allowed to put forth their case by filing written statement. It is prayed that the impugned order dated 29.02.2022 may be set aside and the petitioner/defendants No. 1 to 3 may be granted one opportunity to file written statement, subject to payment of reasonable costs.

4. Learned counsel appearing for contesting respondent No. 1-plaintiff submits the he has 'no objection', in case, one opportunity is granted to the petitioner/defendants No. 1 to 3 to file their written statement.

5. I have heard learned counsel for the parties and perused the case file in great detail.

6. Without commenting upon merits of the case as well as the averments made in the petition, but in view of principles of natural justice, equity, good conscience and fair play; the impugned order dated 29.09.2022 is **set aside**. It is directed that the petitioner/defendants No. 1 to 3 be granted one effective opportunity to submit their written statement,



however, subject to costs of ₹5,000/- to be paid by them directly to respondent No. 1-plaintiff.

The instant revision petition stands **disposed of**, accordingly.

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

25.04.2025

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( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No