



CR-1558-2025

-1-

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

(127)

CR-1558-2025

Date of Decision: - 17.03.2025

**Sumit Kumar and another**

...Petitioners

**Versus****M/s Centex International Private Limited**

....Respondent

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Swarn Tiwana, Advocate,  
for the petitioners.

\*\*\*\*

**VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 27.08.2024 (Annexure P-5) passed by the Civil Judge (Junior Division), Ludhiana vide which the defence of the defendants-petitioners has been struck off and for setting aside the order dated 11.02.2025 (Annexure P-11) passed by the Civil Judge (Junior Division), Ludhiana vide which the application dated 08.10.2024 (Annexure P-6) has been dismissed.

2. Learned counsel for the petitioners has submitted that a perusal of the order dated 08.02.2024 (Annexure P-2) would show that the respondent-plaintiff was directed to place on record all the original documents on or before the next date of hearing. It is further submitted that the petitioners had appeared on 06.05.2024 and the case was

**CR-1558-2025****-2-**

adjourned to 16.07.2024 and thereafter, on 27.08.2024, the impugned order was passed. It is stated that the petitioners had filed an application for reviewing the said order dated 27.08.2024 on the ground that the original documents have not been supplied and the said application was dismissed on 11.02.2025. It is argued that no plaintiff evidence has been led till date and the case is now listed for 08.04.2025 for the plaintiff's evidence. It is submitted that the petitioners are the only defendants in the suit and in case they are not granted one last opportunity to file the written statement, irreparable loss would be caused to them. It is further submitted that for the inconvenience caused to the respondent, the petitioners are ready to pay costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioners should be granted one opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 27.08.2024 (Annexure P-5) as well as the order dated 11.02.2025 (Annexure p-11) to the extent that the defence of the petitioners has been struck off are set aside, subject to the following directions/observations: -

- (i) Petitioners are granted one last opportunity to file the written statement within a period of three weeks from today by moving an application before the trial Court. The petitioners would also deposit an amount of Rs.30,000/- with the trial Court within the aforesaid period, which would be released to the respondent-plaintiff.



CR-1558-2025

-3-

(ii) It is made clear that in case, the petitioners do not deposit the cost of Rs.30,000/- within a period of three weeks from today and do not file the written statement within the said period, then the present revision petition would be deemed to have been dismissed.

4. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

**March 17, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No