



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

CR-2268-2025

Date of decision : 09.04.2025

Bijender Pal Sharma and others

... Petitioners

Versus

Sahab Singh @ Sabu Ram (now deceased) through his LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gaurav Singla, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 10.03.2025 (Annexure P-5) passed by the Civil Judge (Jr.Div.), Faridabad, vide which the defence of the petitioners has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, there were several defendants and the petitioners are defendants no.33 to 35. It is submitted that the petitioners had appeared on 09.10.2017 and on the same date had filed an application for rejection of the plaint under Order 7 Rule 11 CPC, which application was finally decided on 30.01.2025. It is further submitted that thereafter the petitioners wanted to collect documents in order to file the written statement but on 10.03.2025 the defence of the petitioners was struck off. It is stated that thereafter case



was listed for 26.03.2025 and on 26.03.2025 itself the petitioners had filed the written statement but the same was not taken on record. It is submitted that the said written statement is annexed as Annexure P-7 along with the present revision petition and a prayer has been made that the same be ordered to be taken on record of the trial Court, failing which irreparable loss would be caused to the petitioners. It is submitted that for the inconvenience caused to the respondent no.1-plaintiff, the petitioners are ready to pay adequate cost.

3. Keeping in view the above said facts and circumstances, this Court is of the opinion that one last opportunity should be granted to the petitioners to file written statement and accordingly, the present petition is partly allowed and the impugned order dated 10.03.2025 to the extent that the defence of the petitioners has been struck off, is set aside and the written statement (Annexure P-7) which is stated to have already been filed before the trial Court is ordered to be taken on record and the same would be subject to the petitioners depositing cost of Rs.30,000/- on or before 22.04.2025 in the trial Court and the said amount would be released to the respondent no.1-plaintiff by the trial Court.

4. It is made clear that in case the said amount is not deposited, then, the present petition shall be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondents as issuance of notice to them would further delay the proceedings and would also entail expenses for the respondents to defend the present revision petition. However, it would be open to the respondents to move an

CR-2268-2025

3

2025:PHHC:049140



application for recalling the present order in case any of the statement made before this Court is found to be false/incorrect.

(VIKAS BAHL)
JUDGE

April 09, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No

Yes/No