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

CR-3349-2025

Date of decision: 31.07.2025

SHIV CHARAN

..Petitioner

Versus

SANTOSH AND OTHERS

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Lalit Kumar Yadav, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 17.09.2024 passed by the Ld. Civil Judge (Junior Division), Sonipat, whereby the defence of the petitioner/defendant No.3 was struck off by the Court and for setting aside impugned order dated 20.03.2025 passed by Ld. Civil Judge (Junior Division), Sonipat, vide which the application for seeking permission to lead evidence was dismissed.

2. Learned counsel for the petitioner contends that previous counsel appearing on behalf of petitioner/defendant No. 3 did not inform the petitioner regarding the filing of written statement/reply and status of the case.

3. As per order dated 20.03.2025, the petitioner/defendant No.3 after availing 14 effective opportunities including last opportunity and despite imposition of costs, did not file the written statement/reply and his defence was struck off vide order dated 17.09.2024



4. He prayed that one last opportunity be granted to the petitioner/defendant No.3 to file written statement/reply.

5. I have heard learned counsel for the petitioner and perused the whole file of the case.

6. A perusal of the file shows that there was no intentional lapse on the part of the petitioner to file his written statement/reply. Though the petitioner was granted effective opportunities to file the written statement, whereas justice demands that one opportunity is required to be granted to the petitioner to file the same.

7. In view of the above, revision petition is allowed and orders dated 17.09.2024 and 20.03.2025 passed by the Ld. Civil Judge (Junior Division), Sonipat, are set aside. The next date before the Ld. Civil Judge (Junior Division), Sonipat is stated to be 07.08.2025, therefore learned Civil Judge (Junior Division), Sonipat is directed to grant one last effective opportunity to the petitioner to file the written statement/reply, subject to payment of Rs.5,000/- as costs to be deposited by the petitioner with the Punjab and Haryana High Court Bar Association, which shall be utilized for construction/renovation of Women Bar Room, Punjab and Haryana High Court, Chandigarh.

July 31st, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*