



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123

CR-985-2025

Date of Decision: 15.02.2025

Gurdarshan Singh and another

.... Petitioners

Versus

Harpreet Singh and others

.... Respondents

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

Present: - Mr. Kulwant Singh, Advocate for the petitioners.

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

Challenge in the present revision petition is to the order dated 14.01.2025 (Annexure P-8), passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the defence of the petitioners/defendants No. 9 and 10 was struck off.

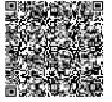
Brief facts of the case are that respondent No. 1-plaintiff filed a suit seeking Mandatory Injunction against the defendants/respondents No. 2 and 3 herein, to execute and register sale deed in favour of plaintiff qua land measuring 11 kanals 0 marlas out of total land measuring 25 kanals 0 marlas as fully detailed in the head note of the plaint. Issues were framed by the learned trial Court on 16.08.2018. Thereafter, the plaintiff moved an application under Order I Rule 10 read with Order XXII Rule 10 and Section 151 CPC, for impleading the petitioners as defendants No. 9 and 10 which was allowed by the learned trial Court vide order dated 24.01.2024 (Annexure P-4). It is the case of the



petitioners/defendant Nos. 9 and 10, that they have received notices from the learned trial Court on 11.07.2024 and they engaged counsel for contesting the case and filing reply. However, the said counsel had not put in appearance on behalf of the petitioners and they have engaged another counsel to know the status of the suit. The petitioners came to know about the *ex parte* order passed by the learned trial Court against them, which was later on set aside vide order dated 01.10.2024 upon an application filed by the petitioners. Subsequently, on 29.10.2024, the petitioners have filed another application (Annexure P-4) for production of documents which was disposed of by the learned trial Court vide order dated 29.11.2024 and the case was adjourned to 16.12.2024, for filing written statement on behalf of the petitioners. Thereafter, 04 opportunities including one last and final opportunity has been granted to the petitioners/defendants No. 9 and 10 to do the needful, however, they failed to do so; and vide impugned order dated 14.01.2025 (Annexure P-8) their defence has been struck off. Hence, the present revision petition.

I have heard learned counsel for the petitioners/defendants No. 9 and 10 and perused the case file in great detail.

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; this petition is being **disposed of** without issuing Notice of Motion to the respondents as that will only further delay be matter; the impugned order dated 14.01.2025 (Annexure



P-8) is set aside. It is directed that the petitioners be granted one effective opportunity to submit their written statement, however, subject to costs of ₹20,000/- to be paid by the petitioners directly to respondent No. 1-plaintiff.

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

15.02.2025  
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( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No