



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

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**Civil Revision No.2704 of 2025 (O & M)  
Date of decision :-05.05.2025**

**Sunil Kumar Aggarwal and others**

**.....Petitioners**

**Versus**

**Anu Sandeep Burmi**

**.....Respondent**

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

Present:- Mr. Rahul Bhargava, Advocate  
for the petitioners.

**NIDHI GUPTA J. (Oral)**

Prayer in this petition is for setting aside the impugned order dated 17.1.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), SAS Nagar, in Civil Suit No.725-2023, titled as 'Anu Sandeep Burmi vs. Sunil Kumar and others', vide which defence of the petitioners/defendants was ordered to be struck off.

On 17.1.2025 the following impugned order was passed by the learned Additional Civil Judge (Sr. Divn.), SAS Nagar :-

*“Written statement and reply not again filed. An adjournment is requested. Perusal of the file shows that on the previous date of hearing last opportunity has been granted to the defendants for filing written statement and reply. Perusal of the file shows that defendants put their appearance in the present case for the first time on 25.09.2024 and till date written statement and reply on behalf of the defendants not*



*filed. Further perusal of the file shows that more than 90 days has been elapsed. No plausible case is made out to adjourn the case for filing written statement by defendants. Hence, the defence of defendants are ordered to be struck off. Now, to come up on 17.02.2025 for evidence of plaintiff.”*

Learned counsel for the petitioners/defendants submits that despite asking many times, learned counsel for the defendants before the learned trial Court did not update the status of the matter to the defendants, because of which the impugned order dated 17.1.2025 (Annexure P-1) has been passed. Even the defendants were unaware about passing of the said order and it is only in the month of March, the petitioners inquired the came to know about passing of such order.

Learned counsel submits that the petitioners/defendants would suffer irreparable loss if the impugned order dated 17.1.2025 (Annexure P-1) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners herein to conclude file the written statement, as grave injustice will be caused to them if they are not permitted to do so.

After hearing learned counsel for the petitioners, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioners/defendants, this petition is allowed and impugned order dated 17.1.2025 (Annexure P-1) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioners



herein to file the written statement, however subject to payment of Rs.30,000/- as costs to the respondents herein, within one week from today failing which present petition shall be considered as 'dismissed'.

Disposed of as above.

Pending application(s), if any, stands disposed of.

May 05, 2025

Vijay Asija

**( NIDHI GUPTA )**  
**JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No