



CR-6862-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CR-6862-2024

Date of Decision: - 29.07.2025

Digpal and another

...Petitioners

Versus

Sanjay and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jai Singh Yadav, Advocate,
for the petitioners.

Mr. Bhunesh Lakhera, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for praying for setting aside the order dated 25.10.2024 (Annexure P-16) passed by Civil Judge (Senior Division), Rewari, vide which the defence of the petitioners has been struck off.

2. On 26.11.2024, this Court was pleased to pass the following order: -

*“Present: Mr.Jai Singh Yadav, Advocate
for the petitioners.*

Inter alia contends that in the present case, petitioner no.1 had moved an application dated 25.03.2021 for supply of the agreement to sell dated 27.06.1996 on the basis of which the suit had been filed, which as per the case of the petitioners had not been supplied to them.



It is submitted that as is apparent from the zimni order dated 25.03.2021, notice in the said application has been issued and till date the said application has not been allowed, nor the petitioners have been supplied copy of the agreement and thus, the petitioners could not file an effective reply. It is further submitted that vide impugned order dated 25.10.2024, the defence of the petitioners has been struck off without considering the fact that the application for supply of agreement has not been adjudicated. It is submitted that moreover the case is now fixed for 29.01.2025 for service of defendant no.4.

Notice of motion to respondent no.1 for 09.12.2024.

Liberty is granted to the petitioners to serve respondent no.1 through the counsel appearing in the trial Court as well through dasti process.

To be shown in the urgent list.

**(VIKAS BAHL)
JUDGE**

November 26, 2024

3. Learned counsel for the petitioners has submitted that in addition to the above arguments, it would be relevant to note that at the time when the defence was struck off, service upon defendant No.4 was not effected and thus, the case was at initial stage. It is further submitted that now defendant No.4 had appeared and filed reply to the application under Order 9 Rule 7 CPC and the case is now fixed for 12.11.2025 for arguments on application under Order 9 Rule 7 CPC. It is stated that in case one last opportunity is not granted to the petitioners to file written statement, then, irreparable loss would be caused to them.

4. Learned counsel appearing for contesting respondent No.1/plaintiff has submitted that as many as nine opportunities had been granted to the petitioners to file written statement and the petitioners had



appeared on 25.03.2021 and since then, they had been repeatedly appearing but had not filed their written statement. It is further submitted that in case one last opportunity is to be granted to the petitioners, then heavy costs should be imposed upon the petitioners and they should be directed to file the written statement within a period of three weeks from today by moving an application before the trial Court.

5. Learned counsel for petitioners, in rebuttal to the arguments raised by learned counsel for respondent No.1, has submitted that the dispute in the present case is with respect to a small portion of land and total consideration of the same as per the plaint is Rs.28,000/- but has submitted that, still to meet the objections raised by learned counsel for respondent No.1, the petitioners are ready to pay costs of Rs.15,000/-.

6. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of learned counsel for the petitioners and respondent No.1, this Court is of the opinion that the petitioners should be granted one last opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 25.10.2024 (Annexure P-16) to the extent that the defence of the petitioners has been struck off is set aside and the petitioners (defendants No.1 and 6) 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.15,000/- with the trial Court within the aforesaid period, which would be released to respondent No.1-plaintiff.

**CR-6862-2024****-4-**

7. It is made clear that in case, the petitioners do not deposit the cost of Rs.15,000/- within a period of three weeks from today or do not file the written statement within the said period, then, the present revision petition would be deemed to have been dismissed.

July 29, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No