

CR-5685-2025

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2025:PHHC:111202



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5685-2025

Date of decision : 22.08.2025

Pushpender Kumar and another

... Petitioners

Versus

Sakshi Kapahi

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Jasmer Singh Rozera, 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 02.05.2025 (Annexure P-13) passed by the Civil Judge (Jr.Div.), Faridabad, vide which the defence of the defendants has been struck off.

2. Learned counsel for the petitioners has submitted that in the present case, the learned counsel for the petitioners before the trial Court had submitted memo of appearance on 26.02.2024 and thereafter had filed an application under Order 7 Rule 11 CPC on 20.05.2024. It is submitted that the said application was decided by the trial Court on 08.01.2025 and thereafter the case was adjourned to 07.02.2025 on which date the Court was on leave and then the case was adjourned to 02.05.2025 on which date



the impugned order was passed. It is submitted that a perusal of the order dated 26.02.2024 would show that there is interim order in favour of the respondent-plaintiff. It is submitted that the petitioners are the only defendants in the suit and in case one last opportunity is not granted to the petitioners-defendants to file written statement, then irreparable loss would be caused to the petitioners. It is further submitted that no plaintiff witness has been examined till date and the case is now fixed for 23.09.2025 and the petitioners undertake to file written statement on or before the said date of hearing. It is further submitted that for the inconvenience caused to the respondent-plaintiff, the petitioners are ready to pay reasonable cost.

3. This Court has heard learned counsel for the petitioners and has perused the paper book and is of the opinion that one last opportunity should be granted to the petitioners to file the written statement and accordingly the present revision petition is partly allowed and the impugned order dated 02.05.2025 is set aside and the petitioners are granted one last opportunity to file written statement on or before 23.09.2025. The petitioners would also deposit Rs.30,000/- before the trial Court on or before the said date of hearing and the said amount would be released to the respondent-plaintiff. It is made clear that in case the said amount is not deposited, then, the present petition shall be deemed to have been dismissed.

4. In the present case, no notice is being issued to the respondent as issuance of notice to her would further delay the proceedings and would



also entail expenses for the respondent to defend the present revision petition. However, it would be open to the respondent to move an 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

August 22, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No