



CR-788-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-788-2025 (O & M)

Date of decision:21.05.2025

RAKESH

...PETITIONER

VS.

NARENDER PAL AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ravi Dutt Sharma, Advocate for the petitioner.

SUVIR SEHGAL, J. (ORAL)

CM-2372-CII-2025

1. Allowed as prayed for.

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1. Instant revision petition has been filed assailing order dated 03.01.2025, passed by the learned Additional Civil Judge (Senior Division), Bhiwani, whereby defence of the petitioner/defendant No.1, has been struck off.

2. Counsel for the petitioner submits that respondent No.1/plaintiff has filed a suit, Annexure P-1, for permanent injunction restraining the defendants from interfering with his peaceful possession over suit land measuring 51 kanals 12 marlas. He states that upon being served, defendants appeared before the Trial Court on 01.07.2024 and as they did not possess the necessary documents, they could not file the written statement. Counsel asserts that Trial Court has erred in striking off the defence while holding that there was no reasonable cause for granting further adjournment. Counsel



states that the defendants be granted one opportunity subject to any reasonable cost imposed by this Court to file their response.

3. Given the nature of the order proposed to be passed, this Court does not intend calling upon the respondents.

4. A perusal of the interim orders passed by the Trial Court, Annexure P-2, show that the defendants availed off three opportunities spread over a period of six months for filing of their response. It cannot be disputed that they have been remiss in perusing their cause. Be that as it may, this Court is of the opinion that, in case, they are not given an opportunity to file their response, their case is likely to suffer.

5. In view of the above, revision petition is allowed. Impugned order dated 03.01.2025 is set aside. Defendants are granted an opportunity to file the written statement on or before 15.06.2025. This will be subject to deposit of cost of Rs.10,000/- with the Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh, Account No.110410011001558, IFSC Code:- ANDB000110.

6. Deposit of cost shall be a condition precedent to the grant of opportunity.

21.05.2025

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No