



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

\*\*\*\*

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CR-6812-2025 (O&M)

Date of Decision:24.09.2025

Pawan Kumar

.....Petitioner

Vs.

Balwinder Kumar and Others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Vivek Gupta, Advocate  
for the petitioner.

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

Petitioner herein is defendant No.3 before learned Additional Civil Judge (Senior Division), Barnala in civil suit bearing No.CS-922-2020 titled as "Balwinder Kumar vs. Mohan Lal". He is aggrieved by the order dated 14.07.2025 (Annexure P-1), whereby his defence was struck off.

Perusal of the impugned order would reveal that petitioner-defendant No.3 had put in appearance before the trial Court on 05.03.2021 but despite availing various opportunities in the last more than four years, he had failed to file written statement and compelled by these circumstances, his defence was struck off on 14.07.2025.

It is submitted by learned counsel for the petitioner that there is lapse on the part of the petitioner in non-filing the written statement but case is still at preliminary stage as defendant No.4 is yet to be served and besides this application for impleading the LRs of defendant No.5 is also pending for consideration.

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Although there has been sheer lapse on the part of petitioner in not filing the written statement for the last more than four years but taking into account the fact that service on all the defendants is not complete till date, trial Court is directed to provide one opportunity to the petitioner-defendant No.3 to file his written statement subject to cost of ₹10,000/- payable to the respondent-plaintiff Balwinder Kumar through Demand Draft. The trial Court shall fix a date for filing written statement and payment of cost by way of Demand Draft shall also be made on the same date.

Since this order is passed without issuing any notice to the respondent-plaintiff, lest it may delay the disposal of the matter before the trial Court, therefore, respondent will be at liberty to approach this Court, in case, he feels aggrieved.

**(DEEPAK GUPTA)**  
**JUDGE**

**September 24, 2025**

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No