

2025:PHHC:079609



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

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CR-3779-2025 (O&M)

Date of decision: 03.07.2025

Bhupinder Singh and others

...Petitioners

Versus

Dalwinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Amit Dhawan, Advocate for the petitioners.

VIKAS SURI, J.

1 The prayer in the present petition under Article 227 of the Constitution of India is for setting aside the order dated 06.05.2025 (Annexure P-6) passed by learned Civil Judge (Junior Division), Jalandhar, whereby the application filed by the petitioners (defendant Nos.2 to 4) for allowing them to file written statement, has been dismissed.

2. The facts in brief, sans unnecessary details, are that the plaintiff/respondent, namely Dalwinder Singh, filed a suit for mandatory injunction for directing the defendants to vacate and deliver physical vacant possession of the suit property and for mesne profits @ Rs.5000/- per month from June 2018 till handing over the vacant possession. Upon notice, the defendants put in appearance and filed written statement



through counsel, namely Narinder Singh, Advocate, which written statement has been signed by defendant No.1-Harjinder Singh.

2.1 From the pleadings of the parties, the issues were struck and the plaintiff has concluded his evidence in affirmative. Thereafter, two defendants' witnesses have also been examined. It is at the said stage, the petitioners (defendant Nos.2 to 4) moved an application under Section 151 CPC for allowing them to file the written statement. On notice of the said application, reply thereto was filed and upon consideration of the pleadings and perusal of the record, the said application has been dismissed, vide order dated 06.05.2025.

3. The aforesaid order has been assailed by the petitioners, by way of the present revision petition.

4. Admittedly, the parties are closely related. The plaintiff is the real brother of the father of defendant Nos.1 to 3 and late husband of defendant No.4. Defendant Nos.1 to 3 are sons of defendant No.4. The trial Court after examining the record has returned the following findings of fact:-

“Perusal of file reveals that written statement filed on behalf of defendants dated 15.03.2019 is already on file, which is stated to have been filed by defendants. It is filed with signatures of defendant no. 1 Harjinder Singh along-with Sh. Narinder Singh, Advocate, the learned counsel for the defendants at the relevant time.”

5. After noticing the aforesaid, and upon considering the provision of Order 6 Rule 14 CPC, the learned trial Court observed as



thus:-

“It is relevant to refer the provisions under Order 6 Rule 14 CPC, wherein it provides that in certain circumstances a pleading may be signed by any person duly authorized by the plaintiff to sign the plaint or to sue on his behalf. The expression "signed by any person duly authorized by him to sign the same" in rule 14 need not be restricted to written authorizations. If the authorization is proved, even an oral authorization should be taken as sufficient and there is no reason to read Order 6, rule 14 as requiring written authorization or a power of attorney. Accordingly, in view of the above said provisions, it can be seen that written statement has been filed by defendants, which bears signatures of defendant no. 1 along-with counsel for the defendants Sh. Narinder Singh, Advocate, who has been granted written authorization by way of power of attorney executed in his favour for filing written statement on behalf of remaining defendants as the said power of attorney specifically provides the written authorization to submit pleadings or filing affidavit or documents on behalf of defendant no. 2 to 4. In view of above said provisions of law and keeping in view the fact that defendants have already filed written statement and case is fixed for defendant’s evidence, no ground is made out to allow the present application for filing fresh written statement by defendant no. 2 to 4 as the same already stands filed by defendant no. 2 to 4.”

6. A photocopy of the written statement has been appended with the present petition as Annexure P-2. Perusal of the same would show that the said written statement has been filed on behalf of the defendants, though signed by defendant No.1 but through the same counsel representing all the defendants. A closer reading of the written statement



further goes to show that the recitals therein are with regard to protecting the interest of all the defendants, except wherein it is stated to be specific to one of the defendants to the detriment of the other defendants, as pleaded in para Nos.2 and 3 of the said written statement.

7. It is not disputed that the suit was instituted on 17.11.2018, whereas the application for allowing defendant Nos.2 to 4 to file the written statement was instituted on 13.03.2025. It is also not disputed that the trial was at the stage of defendants' evidence and two defendants' witnesses had already been examined when the said application came to be filed. There is no material on record to even remotely suggest that the learned counsel through whom the written statement had been filed on behalf of all the defendants, had not been engaged by defendant Nos.2 to 4. Moreover, keeping in view the fiduciary relationship between the parties, i.e., defendant No.1 and defendant Nos.2 to 4 being brothers and mother, respectively and the conduct of the petitioners for having kept quiet for a long period of more than six years since the institution of the suit, it cannot be presumed that at the relevant time, defendant No.1 was not authorized to sign the written statement on behalf of all the defendants.

8. A closer examination of the written statement in question (Annexure P-2), would also show that the same is type printed, which was filed on behalf of all the defendants and not defendant No.1 alone, though it is signed only by defendant No.1 as well as by the then learned counsel representing all the defendants.



9. On a profound consideration of the aforesaid, the impugned order does not suffer from any illegality or perversity nor any material has been pointed out to counter the factual findings recorded by the trial Court, upon appreciation of material available on record. Therefore, no ground is made out for this Court to interfere with the impugned order dated 06.05.2025.

10. Accordingly, the revision petition is dismissed.

July 03, 2025
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes / No
Yes / No