



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

**C. R No. 4487 of 2025 (O&M)
Date of decision : 21.07.2025**

Harinder Singh and ors.Petitioners

versus

Jagtar Singh and ors. ...Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Brijender Kaushik, Advocate
for the petitioners.

SUDEEPTI SHARMA, J. (Oral)

1. Present petition has been preferred against the order dated 07.05.2025 passed by learned Addl. Civil Judge (Sr. Divn.) Rupnagar whereby defence of the petitioners has been struck off.
2. Learned counsel for the petitioners submits that due to wrong advice of the previous counsel for the petitioners, the reply could not be filed by the petitioners. He, therefore prays that one last opportunity be granted to the petitioners to file reply. Learned counsel submits that the petitioners are ready to file reply on 31.07.2025 i.e next date fixed before the learned Court.
3. I have heard learned counsel for the petitioners and perused the whole file of this case.
4. A perusal of the file shows that due to wrong advice given by previous counsel for the petitioners, the reply could not be filed by the petitioners. The parties should not suffer the lapse on the part of their counsels. A *lis* should be decided on merits rather on technicalities, therefore, justice demands that one last opportunity is required to be given



to the petitioner to file reply.

5. Hence, the present revision petition stands allowed and order dated 07.05.2005 passed by learned Addl. Civil Judge (Sr. Divn.) Rupnagar is set aside to the extent of striking off the defence of the petitioners. The petitioners are granted one effective opportunity to file reply on 31.07.2025 i.e the date already fixed before the learned trial Court, subject to payment of Rs.5,000/- as costs to be deposited by the petitioners with the District Legal Services Authority, Rupnagar. The learned trial Court is directed to accept the reply filed by the petitioners on 31.07.2025.

21.07.2025

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No