

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

2025:PHHC:109930

**CR-5606-2025****Date of decision: 21.08.2025****LUCKY BHATIA****..Petitioner****Versus****YUVRAJ SINGH AND OTHERS****..Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Zorawar Singh Chauhan, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 04.04.2025, passed by the learned Civil Judge (Junior Division), Jalandhar, whereby the defence of the petitioner, who is defendant No.1 in the civil suit is struck off.

2. Learned counsel for the petitioner contends that counsel for the petitioner-defendant No.1 did not inform about the proceedings in the case and the petitioner was not aware of the date fixed in the civil suit as well. Thereafter, on 27.05.2025, the counsel engaged by the petitioner-defendant No.1 was murdered at his residence and when the petitioner came to know about the same on 03.07.2025, he engaged another counsel. He therefore, prays for one last opportunity to file written statement and reply to the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (in short 'CPC').

3. I have heard learned counsel for the petitioner and have perused the case file with his able assistance.



4. A perusal of zimni orders shows that new counsel was engaged on 03.07.2025 and thereafter, on 02.08.2025, the case was adjourned to 30.08.2025 by the Presiding Officer as she was not holding Court due to her training from 04.08.2025 to 08.08.2025. There was no intentional lapse on the part of the petitioner and it was due to unavoidable circumstances that petitioner was not able to file written statement and reply to application under Order XXXIX Rule 1 and 2 of the CPC. Justice demands that one opportunity is required to be granted to the petitioner to file written statement as well as reply to the application under Order XXXIX Rule 1 and 2 of the CPC.

5. In view of the above, revision petition is allowed, subject to payment of Rs.5,000/- as costs to be deposited by the petitioner with the Poor Patients Welfare Fund, PGIMER, Chandigarh. Order dated 04.04.2025, passed by the learned Civil Judge (Junior Division), Jalandhar, is set aside to the extent of striking off defence of the petitioner-defendant No.1. The next date before the learned Civil Judge (Junior Division), Jalandhar is stated to be 30.08.2025, therefore learned Civil Judge (Junior Division), Jalandhar is directed to accept the written statement as well as reply to application under Order XXXIX Rule 1 and 2 of the CPC filed by the petitioner on the date fixed.

August 21st, 2025

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**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*