



CR-6399-2025 (O&M)

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

**CR-6399-2025 (O&M)
Date of Decision : 12.09.2025**

Sandeep Singh

.....Petitioner

Vs.

Sarabjit Kaur and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Raman Kumar, Advocate, for
Mr. Rajeev K. Kapila, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. The present revision petition has been filed for setting aside order dated 07.05.2025 passed by learned Additional District & Sessions Judge/MACT, Hoshiarpur, whereby, the defence of petitioner was struck off and proceeded against *ex parte*, in CIS No.MACP-129-2022 titled as 'Sarabjit Kaur Vs. Ajmer Singh @ Lucky etc.'.

2. Learned counsel for the petitioner contends that the petitioner is appearing in person before the learned Tribunal and respondent No.7-Insurance Company filed an application for dismissal of the claim petition and the petitioner was waiting for the result of that application due to which, he could not file the written statement within time. He further contends that next date fixed before the learned Tribunal is for 25.09.2025. He is ready and willing to file written statement.



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

4. A perusal of the file shows that petitioner is appearing in person as respondent No.4 and could not file the reply in time because of communication gap as well as lack of knowledge. A *lis* should be decided on merits rather than on technicalities, therefore, justice demands that one last effective opportunity is required to be granted to the petitioner to file his written statement.

5. In view of the above, the present revision petition is **allowed** and impugned order dated 07.05.2025 passed by learned Additional District & Sessions Judge/MACT, Hoshiarpur, in CIS No.MACP-129-2022, is hereby set aside to the extent of striking off the defence of the petitioner/respondent No.4. One last opportunity is granted to the petitioner to file written statement on the next date of hearing fixed before the learned Tribunal, subject to payment of Rs.5,000/- (Rupees Five Thousand only) as costs to be deposited by him in the Punjab Chief Minister Relief Fund, Account No.001934001000589, IFSC Code TPSC0000019, Punjab Civil Secretariat 1 Branch.

6. Since the next date of hearing is stated to be fixed for 25.09.2025, therefore, the learned Tribunal is directed to afford the petitioner/respondent No.4 one last effective opportunity to file written statement along with receipt of deposit of Rs.5,000/- as cost imposed by this



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Court and if the case is not taken up for hearing on 25.09.2025 for any reason then on any other subsequent date as fixed by the Tribunal.

7. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

12.09.2025

Virender

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No