



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

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**Civil Revision No.2243 of 2025 (O & M)
Date of decision :-08.04.2025**

Jit Singh @ Ajit Singh @ Ranjit Singh and others

.....Petitioners

Versus

Manjit Kaur and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Manu K. Bhandari, Advocate with
Mr. Manu Gaur, Advocate and
Mr. Arjun Sawhni, Advocate
for the petitioners.

Mr. Avin Sandhu, Advocate for the respondents.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 24.2.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Sr. Divn.), SAS Nagar, in Civil Suit No.292/2024, titled as 'Manjeet Kaur vs. Jagjit Singh and others', vide which defence of the petitioners has been struck off.

On 24.02.2025, the following impugned order was passed by the learned Additional Civil Judge (Sr. Divn.), SAS Nagar:-

“Written statement and reply on behalf of defendant No. 1 to 4 again not filed. An adjournment is requested. Perusal of the file shows that on the previous date of hearing last opportunity has been granted to the defendant



No. 1 to 4 for filing written statement and reply. Perusal of the file shows that defendant No. 1 to 3 put their appearance in the present case for the first time on 30.05.2024 and defendant No.4 put his appearance in the present case for the first time on 09.10.2024 but till date written statement and reply on behalf of the defendant No. 1 to 4 not filed. Further perusal of the file shows that more than 90 days has been elapsed. No plausible case is made out to adjourn the case for filing written statement by defendant No. 1 to 4. Hence, the defence of defendant No. 1 to 4 are ordered to be struck off.

Notice issued to defendant no. 6 received back unserved.

Let, fresh notice to defendant No. 6 be issued for 09.04.2025 through ordinary process as well as through RC/AD. Dasti summons be given, as provided under Order 5 Rule 9A of CPC.”

Learned counsel for the petitioners submits that to file the written statement, the oldest revenue record was necessary and since the petitioners procured the revenue records from the year 1967 to 1968 only, therefore, on the next coming date i.e. 19.11.2024, the petitioners sought and were granted last opportunity to file the written statement on 04.1.2025. However, despite best efforts the complete revenue record, which was utmost essential for the purpose of preparing and filing the written statement could not be made available, the petitioners, again on 04.1.2025 sought further time to file the written statement. The case was adjourned to 24.2.2025 and another last opportunity was granted to the petitioners



to file the written statement. On 24.2.2025 also the petitioners remained unsuccessful in getting the relevant revenue records, the impugned order dated 24.02.2025 (Annexure P-1), reproduced above, has been passed by the learned trial Court, whereby the defence of the petitioners was ordered to be struck off.

Learned counsel submits that after passing of the said impugned order dated 24.2.2025, on 18.03.2025 the petitioners succeeded in getting the requisite revenue records (Jamabandis) from the year 1967-68 onwards, pertaining the land in dispute and are ready to file the written statement. Learned counsel submits that the petitioners would suffer irreparable loss if the impugned order dated 24.2.2025 (Annexure P-1) is not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioners herein to file the written statement, as grave injustice will be caused to them if they are not permitted to do so.

Notice of motion.

Mr. Avin Sandhu, Advocate, who is present in the Court, accepts notice on behalf of respondents and submits that he has no objection if the prayer of the petitioner is allowed subject to payment of costs.

Accordingly, keeping in view the above facts, this petition is **allowed** and impugned order dated 24.2.2025 (Annexure P-1) is set aside. The learned Court below is directed to grant one effective opportunity to enable the petitioners herein to file their



written statement, however subject to payment of Rs.20,000/- as costs to be paid to the respondents within one week from today.

Pending application(s), if any, stands disposed of.

April 08, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No