



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

CR-6695-2025

Date of Decision: 22.09.2025

JANGIR SINGH AND OTHERS

....Petitioners

Versus

HARNEK SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kuldip Singh, Advocate
 for the appellants.

Parmod Goyal, J. (Oral)

The petitioner is challenging the order dated 16.07.2025 (Annexure P-1), whereby the evidence of the defendants was closed. Learned counsel for the petitioners has argued that no proper opportunity was granted to the petitioners. It is asserted that suit was filed in the year 2023, thereafter, for the first time defendants appeared on 03.04.2023 and moved an application for payment of *ad valorem* court fee which was not attached by plaintiffs along with the suit. The said application remained pending. Plaintiffs took 14 opportunities to argue the matter and ultimately vide order dated 18.03.2025, plaintiffs were asked to deposit *ad valorem* court fee. Thereafter, matter was again adjourned on three dates and it was only on 16.05.2025 *ad valorem* court fee was filed and matter was fixed for 26.05.2025 for the first time for filing of written statement. On 26.05.2025, matter was adjourned to 28.05.2025 and then to 16.07.2025. On 16.07.2025



by noticing that defendants are availing opportunities since 12.05.2023 to file written statement, whereas this was factually wrong as matter was pending for decision of application for *ad valorem* court fee as well as its payment till 16.05.2025, defence of petitioners/defendants was struck off. It is argued that the suit cannot be treated to have been properly instituted prior to filing of *ad valorem* court fee and, therefore, the first time when occasion to file written statement accrued was on 26.05.2025.

2. I find merit in contention raised by petitioners. The impugned order dated 16.07.2025 cannot be sustained. Defendants are entitled to file written statement and plaintiffs can be compensated with cost for delay in filing the written statement on the part of defendants from 26.05.2025 onwards. Accordingly, the present revision petition is allowed. One opportunity is granted to defendant to file written statement. Let written statement be filed before the Court of first instance on the date fixed, subject to cost of Rs.5,000/- to be paid to the plaintiffs.

22.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No