



CR-6400-2024 (O&M)

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

**Sr. No.148**

**CR-6400-2024 (O&M)  
Date of Decision: 28.05.2025**

**KAMLESH AND ANOTHER**

**...Petitioners**

**Versus**

**BIR SINGH**

**....Respondent**

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Chanderhas Yadav, Advocate  
for the petitioners.

Mr. Prashant Singh Chauhan, Advocate  
for the respondent.

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**ARCHANA PURI, J. (Oral)**

**CM-11154-CII-2025**

The present application has been filed for placing on record the zimini orders passed by the Trial Court.

In view of the averments made in the application, same is allowed and the requisite zimini orders are taken on record as Annexure P-5.



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**MAIN CASE**

Challenge in the present revision petition is to the order dated 26.07.2024, passed by the trial Court, whereby the defence of the petitioners (who are defendants before the Trial Court), was struck off.

In pursuance of the notice issued, respondent made appearance through counsel.

The counsel for the parties heard.

The facts germane to be noticed, as culled out from the paperbook, are that, the respondent (plaintiff before the trial Court), had filed the suit for specific performance of an agreement and the petitioners were impleaded as defendants No.1 and 2. However, during the pendency of the suit, written statement was not filed by the petitioners/defendants and their defence was struck off, vide the impugned order.

The various zimini orders passed by the trial Court, have been placed on record today itself, vide CM-11154-CII-2025. Perusal of the same reveals that the suit was firstly dealt by the trial Court on 14.03.2022 and notice was issued to the petitioners/defendants, who had made appearance on 01.04.2022. On 01.04.2022, the matter was adjourned further for 06.04.2022, for filing written statement and reply to the injunction application. On 06.04.2022, an application under Order 6 Rule 17 CPC, for seeking amendment of plaint, was filed and the case was adjourned further for 06.07.2022, on which date, the Presiding Officer was availing joining time. As such, it could not be taken up and was adjourned further for 22.11.2022, for filing reply and for the same purpose, the case remained



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pending continuously for multiple dates. Ultimately, after hearing arguments, the aforesaid application under Order 6 Rule 17 CPC, was allowed, vide order dated 06.10.2023 and the case was adjourned further for 28.11.2023, for the purpose of filing written statement. Then again, the case remained pending, for the said purpose, for several dates i.e. 28.11.2023, 05.02.2024 and 06.05.2024. On 06.05.2024, last opportunity was given to the petitioners/defendants, to file written statement on 26.07.2024 and ultimately, the needful was not done on the date fixed. As such, vide the impugned order dated 26.07.2024, the defence of the petitioners/defendants was struck off.

Considering the seriatim of adjournments, as detailed aforesaid, it is pertinent to mention that despite availing several opportunities, written statement had not been filed by the petitioners/defendants. Earlier, there was delay, on account of the case having side-tracked due to filing of application under Order 6 Rule 17 CPC, filed for seeking amendment of the plaint. After the decision of the said application also, while availing several opportunities, the petitioners/defendants did not file the written statement and as such, the Court concerned was constrained to pass the impugned order of striking off their defence.

However, in the interest of justice, considering the nature of litigation pending between the parties, it would be appropriate if the litigation is adjudicated on merits. In the light of the same, the revision petition is hereby allowed, subject to deposit of Rs.5,000/- as costs, in ***Poor***



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*Patient Welfare Fund, PGIMER, Chandigarh*', within a period of 7 days from today onwards.

However, at this stage, it is brought to the notice of this Court that the case before the Trial Court, is fixed for 14.10.2025. Considering the long date, the parties are directed to make appearance before the trial Court on 02.07.2025. Learned trial Court shall adjudicate upon the case, by preponing the same and proceed further, in accordance with law. However, learned trial Court shall give only one opportunity to the petitioners/defendants, to file the written statement.

A copy of this order be sent to the Court concerned for intimation.

In view of the aforesaid terms, the revision petition stands disposed of.

**28.05.2025**  
Himanshu

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No