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

(126)

CR-2719-2025

Date of Decision: - 05.05.2025

Dakshin Haryana Bijli Vitran Nigam Ltd.**....Petitioner****Versus****Kapil Sehrawat and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Jagdish Manchanda, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 04.02.2025 (Annexures P-2 & P-4) passed by the Civil Judge (Junior Division), Gurugram, whereby the defence of the present petitioners/defendants has been struck off.

2. Learned counsel for the petitioner has submitted that the first date for appearance of the petitioner was 22.10.2024 and on the said date the case was adjourned to 04.02.2025 on which date the impugned order closing the defence of the petitioner was passed although a request was made for taking up the case at 3 O'clock and even the written statement was filed on 04.02.2025. It is further submitted that in case the written statement dated 04.02.2025 is not taken on record, then, irreparable loss



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would be caused to the petitioner. It is submitted that the case is now fixed for 22.07.2025 and on 08.04.2025 an order was passed by the Civil Judge (Jr. Division), Gurugram directing the plaintiff to bring the documents in original and then tender his evidence and thus, in effect no evidence of the plaintiff has been recorded.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last opportunity to place on record the written statement dated 04.02.2025, accordingly, the present revision petition is partly allowed and the impugned orders dated 04.02.2025 (Annexures P-2 and P-4) are set aside to the extent that the defence of the petitioner has been struck off, subject to the petitioner depositing an amount of Rs.10,000/- as costs, within a period of three weeks from today, which amount would be paid by the trial Court to respondent No.1-plaintiff. In case the said amount is paid, the trial Court would take on record the written statement dated 04.02.2025 filed by the petitioner and proceed with the matter in accordance with law.

4. It is made clear that in case, the petitioner does not deposit the costs of Rs.10,000/- within a period of three weeks from today, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to respondent No.1 as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent No.1 in order to defend the present petition. However, it

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would be open to respondent No.1 to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

May 05, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No