

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****126****CR-870-2025 (O&M)****Date of decision: 21.08.2025****Jagtar Singh (since deceased) through his LRs****...Petitioner(s)****Vs.****ABS Township Pvt. Ltd.****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. C.S.Bagri, Advocate for the
petitioner(s) through V.C.

*********NIDHI GUPTA, J.**

Present Civil Revision Petition has been filed by the defendant against the order dated 04.01.2025 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Kharar; whereby opportunity for filing written statement of the petitioner has been closed by order.

2. Learned counsel for the petitioners submits that the petitioner was unable to file written statement as the documents were not supplied to the petitioner by the plaintiff/respondent in time. It is submitted that as per provision of Order 7 Rule 14 CPC, it was necessary for the respondent to supply complete documents to the petitioner; and non-supplying thereof is illegal and has caused prejudice to the petitioner. It is contended that therefore, impugned order could not have been passed. It is submitted that even the documents supplied were even illegible, unreadable and blank prints etc. It is further submitted that suit has been filed by ABS Township Private Ltd.; whereas Agreement to Sell allegedly executed is registered



under the name and title of VRS Township Private Ltd. It is also submitted that the license, RERA number granted to the project has already been cancelled as the plaintiff society had obtained all the necessary permissions, CLU by presenting forged consent letters, et cetera. Accordingly, to declare the entire project, illegal, null and void, the CRWP 9767 of 2022 is pending before this Court. However, these facts have not been appreciated by trial Court. Even otherwise, documents were allegedly supplied to the petitioners for the first time on 24.09.2024. Therefore, there was no delay by the petitioners. Further, as stated above, said documents are unreadable. Moreover, the petitioners are poor persons; and accordingly prayed that the present petition be allowed and the impugned order be set aside.

3. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the petitioner.

4. Perusal of the record shows that the respondent/plaintiff had filed a Civil Suit on 29.04.2024 (Annexure P-19) against the petitioners for possession through specific performance of Agreement to Sell dated 29.07.2019. It is the pleaded case of the respondent that entire sale consideration of almost ₹95,06,250/- stands paid to the petitioners. However, they have failed to execute the sale deed.

5. Be that as it may, it is the own admitted case of the petitioners that in the civil suit dated 29.4.2024, upon notice, the petitioners had put in



appearance on 27.05.2024 (Annexure P-4). The zimni orders reveal that on the next date of hearing i.e 17.07.2024, petitioner did not file written statement; and matter was adjourned to 03.08.2024 on which date petitioner filed an application seeking direction to the respondent/plaintiff to supply complete copy of the plaint alongwith complete set of documents relied upon by the plaintiff. The said application was disposed of on the very same date i.e. 03.08.2024 (Annexure P-6) with the direction to the plaintiff to supply copy of plaint and other supporting documents within seven days to learned counsel for the petitioner/defendant and the matter stood adjourned to 02.09.2024. Zimni Order dated 02.09.2024 (Annexure P-7) reveals that documents were supplied to the petitioner on the said date. However, written statement and reply to stay application were still not filed. As such, matter stood adjourned to 24.09.2024. As per order dated 24.09.2024 (Annexure P-8), complete set of documents were again supplied to the petitioner. However, written statement and reply to stay application were again not filed. Accordingly, at request of the petitioner, matter was adjourned to 18.10.2024, subject to last opportunity. On 18.10.2024 (Annexure P-9) again written statement and reply to stay application were not filed; and at request of the petitioners, matter was adjourned to 25.11.2024, subject to last and final opportunity. On next date of hearing i.e. 25.11.2024 (Annexure P-10), petitioner had filed an application for granting time to file written statement. In the interest of justice, vide order dated 25.11.2024 (Annexure P-10), learned trial Court granted last and final



opportunity to the petitioner to file written statement on 23.12.2024 subject to payment of cost of Rs.1500/- to opposite party. However, on 23.12.2024, instead of filing written statement, Petitioners filed another application dated 23.12.2024 (Annexure P-18), for recalling and modification of order dated 25.11.2024. The said application P-18, was heard on 23.12.2024 (Annexure P-11); and on request the matter was again adjourned to 02.01.2025; on which date it was adjourned again to 04.01.2025; on which date the impugned order (Annexure P-1) was passed.

6. The above facts speak for themselves. Even today, it is the case of the petitioner that legible documents have not been supplied to the petitioner. However admittedly, no such objection was raised by the petitioners before the learned trial Court on 02.09.2024 or even on 24.09.2024 when the documents were supplied to the petitioners in Court. Even cost was not paid by the petitioners. The relevant observations made by the learned trial Court in its order dated 04.01.2025 (Annexure P-1) reads as under: -

“..... Thereafter, on 25.11.2024 this Court granted one last and final opportunity to defendant for filing of written statement subject to payment of Rs.1500/- as cost to the opposite party. Defendant filed this application instead of filing written statement. This court is of the considered view that there is no necessity of recalling or modifying order dated 25.11.2024 passed by this Court as it is rightly passed. Even otherwise, this court cannot review or recall its own order and appropriate remedy before the defendant was to challenge this order before the higher court, which has not been done. It is quite apparent that defendant has filed this application just to delay the proceedings of this case. Written statement is not filed even today. Ld. Counsel for the defendant argued on merits of the case but these arguments have no value



especially when written statement is not on record. Period of more than 100 days has already elapsed even if the time period is calculated from 02.09.2024. There is no plausible explanation that why written statement is not filed. As far as the argument of documents being illegible is concerned, it is also devoid of any merit especially when no such point was raised before this Court on 02.09.2024. Accordingly, this application filed by defendant is totally devoid of any merit. Thus, this application is hereby dismissed. Neither cost is paid nor written statement is filed by the defendant today. In such a scenario, there is no other option left with this court but to strike off the defence of defendant. Accordingly, opportunity for filing of written statement stands closed by order.”

7. Clearly, the petitioner is only trying to delay the proceedings. Even before this Court, petitioner was attempting to address the dispute on merits. However, the dispute is matter of *lis* before the learned trial Court and cannot be gone into by this Court.

8. In view of the same, no ground is made out to set aside the impugned order dated 04.01.2025 (Annexure P-1). Present Civil Revision Petition is hereby **dismissed**.

9. Pending application, if any, stands disposed of.

21.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No