



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

\*\*\*

**CR-2618-2025**

Date of decision : 01.05.2025

Manjit Singh

... Petitioner

Versus

Kaka Singh and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Nitesh Singhi, Advocate and  
Ms.Priya Singhi, Advocate  
for the petitioner.

**VIKAS BAHL, J.(ORAL)**

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 27.02.2024 (Annexure P-5) passed by the Civil Judge (Sr.Div.), Fatehgarh Sahib, vide which the defence of the petitioner-defendnat no.1 has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case the petitioner was not aware that his counsel had not filed written statement and the defence of the petitioner had been struck off on 27.02.2024 and has submitted that in fact the petitioner had actually prepared the written statement on 09.04.2024 (Annexure P-6) and affidavit had been attested on the same date. It is submitted that the petitioner was surprised to learn that even the said written statement was not filed by his counsel. It is submitted that a perusal of the subsequent orders would show



that no PW has been examined till date, although one PW Kaka Singh had appeared and was examined-in-chief on 29.07.2024 but he has not appeared thereafter for his cross-examination. It is submitted that the case is now listed for 07.07.2025 and no plaintiff witness has been examined. It is argued that in case one opportunity is not granted to the petitioner to file written statement, then irreparable loss would be caused to the petitioner and for the inconvenience caused to the respondent no.1-plaintiff, the petitioner is ready to pay heavy costs.

3. Keeping in view the above said facts and circumstances, this Court is of the opinion that one last opportunity should be granted to the petitioner to file the written statement and accordingly, the present petition is partly allowed and the impugned order dated 27.02.2024, to the extent that the defence of the petitioner-defendant no.1 has been struck off, is set aside and the petitioner is granted one last opportunity to file the written statement within a period of three weeks from today by moving an application before the trial Court and the same would be subject to the petitioner depositing cost of Rs.40,000/- within a period of three weeks from today in the trial Court and the said amount would be released to the respondent no.1 by the trial Court.

4. It is made clear that in case the abovesaid cost is not deposited, then the present petition shall be deemed to have been dismissed.

5. In the present case, no notice is being issued to the respondent no.1 as issuance of notice to him would further delay the proceedings and would also entail expenses for the respondent no.1 to defend the present

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

**(VIKAS BAHL)**  
**JUDGE**

**May 01, 2025.**

*Davinder Kumar*

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No