



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

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Civil Revision No.7361 of 2025 (O & M)

Date of decision :-15.10.2025

Karam Singh

.....Petitioner

Versus

Kuldeep Kaur and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vijay Kumar, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for setting aside the impugned orders dated 05.8.2024 and 02.4.2025 (Annexures P-3 and P-6 respectively) passed by the learned Civil Judge (Jr. Divn.), Ludhiana in Civil Suit No.4230 of 2023, titled as 'Kuldeep Kaur vs. Karam Singh etc.', whereby vide order dated 05.8.2024 (Annexure P-3) defence of the petitioner/defendant No.1 was struck off and vide order dated 02.4.2025 (Annexure P-6) the application of the petitioner/defendant No.1 for providing an opportunity to file the written statement was dismissed.

Learned counsel for the petitioner/defendant No.1 submits that respondent No.1/plaintiff had filed the suit (Annexure P-1) for possession on the basis of registered sale deed vide Vasika No.3725 dated 13.7.2021 executed by the petitioner/defendant No.1 in favour of respondent No.1/plaintiff of House No.B-29-1293/1



measuring 50 square yards. Learned counsel submits that the petitioner is a senior citizen and 80 years old poor person, having no source of income and after receiving notice in the said civil suit, he appeared before the learned trial Court and requested for providing Legal Aid Counsel. Accordingly, learned counsel for the petitioner had put in appearance and after filing his Power of Attorney sought time to file the written statement. Learned counsel very fairly submits that due to lapse on the part of arguing counsel for the petitioner/defendant No.1 before the learned trial Court, the written statement could not be filed despite various opportunities granted to the petitioner/defendant in this regard. Resultantly, vide order dated 05.8.2024 (Annexure P-3) defence of the petitioner/defendant No.1 was ordered to be struck off and the application of the petitioner/defendant No.1 for providing an opportunity for filing the written statement was also dismissed by the learned trial Court vide order dated 02.4.2025 (Annexure P-6).

Learned counsel submits that the petitioner/defendant No.1 would suffer irreparable loss if the impugned orders dated 05.8.2024 and 02.4.2025 (Annexures P-3 and P-6 respectively) are not set aside. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner herein to file his written statement, as grave injustice will be caused to him if he is not permitted to do so. Learned counsel points out that the next date fixed before the learned trial Court is 20.10.2025.



After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case.

Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner, this petition is allowed and impugned orders dated 05.8.2024 and 02.4.2025 (Annexures P-3 and P-6 respectively) are set aside. The learned Court below is directed to grant one effective opportunity after the next date of hearing fixed i.e. 20.10.2025 to enable the petitioner herein to file his written statement, however subject to payment of Rs.20,000/- as costs to the respondents herein within two weeks from today, failing which, the present petition shall stand automatically dismissed without reference to this Court; especially in view of the observation in para 5 of the impugned order dated 02.4.2025 (Annexure P-6).

Disposed of as above.

Pending application(s), if any, stands disposed of.

October 15, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No