



CR-7334-2024

-1-

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

(141)

CR-7334-2024

Date of Decision: - 16.12.2024

Balkar

....Petitioner

Versus

Jagtar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Minkal Rawal, Advocate  
for the petitioner.

\*\*\*\*

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

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 20.04.2022 (Annexure P-2) passed by the Civil Judge (Junior Division), Samalkha, District Panipat, whereby the defence of the present petitioner/defendant No.1 has been struck off due to non-filing of written statement.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had appeared on 22.02.2021 and his defence was struck off on 20.04.2022 after granting only two effective opportunities. It is further submitted that in case, the petitioner is not granted permission to file the written statement, then, irreparable loss would be caused to him and has thus prayed that the impugned order

**CR-7334-2024****-2-**

dated 20.04.2022 (Annexure P-2) be set aside and the petitioner be granted one opportunity to file the written statement.

3. This Court has heard learned counsel for the petitioner and has perused the paper-book.

4. It is not in dispute that respondent No.1-plaintiff had filed a suit for declaration to the effect that he is co-owner/co-sharer of the suit land/property left by late Smt. Kela Devi. In the said suit, the petitioner through his counsel had appeared on 22.02.2021 and the case was adjourned to 02.04.2021 for filing the written statement. On 02.04.2021, the petitioner, who is defendant No.1, did not file the written statement and the case was adjourned to 28.05.2021, however, the matter was taken up on 24.05.2021 and thereafter, the case was adjourned to 20.04.2022. On 20.04.2022, the petitioner again did not file the written statement and accordingly, defence of the petitioner alongwith that of defendants No.2 to 5 was struck off.

5. Present revision petition has been filed after a delay of more than 2 years and 7 months of the passing of the said impugned order. A perusal of the zimni orders would show that the matter was repeatedly adjourned and the trial had also progressed, inasmuch as, after the written statement was filed by defendant No.6, the issues were framed on 29.08.2024 and thereafter, even PW1 had appeared and was also cross-examined on 11.11.2024. The case is now fixed for 20.12.2024 for cross-examination of the remaining evidence of the plaintiff. No plausible

explanation has been given as to why the present petition has been filed after a delay of more than 2 years and 7 months of the passing of the impugned order dated 20.04.2022 and allowing the present revision petition would put the clock back to 20.04.2022 and the issues would have to be reframed and the witness who has already been examined would have to be re-examined/cross-examined.

6. Keeping in view the above-said facts and circumstances, this Court is of the view that the impugned order dated 20.04.2022 has been rightly passed and the present revision petition suffers from delay and latches in challenging the impugned order dated 20.04.2022 and thus deserves to be dismissed and is accordingly dismissed.

December 16, 2024

naresh.k

( VIKAS BAHL )

JUDGE

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |