



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

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CR-354-2025 (O&amp;M)

Date of Decision: 21.01.2025

SUKHWANT SINGH

... Petitioner

V/S

RAJWANT SINGH AND ORS

.... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Vishal Garg Narwana, Advocate with  
Mr. Rahul Gupta, Advocate  
Mr. Aman Mittal, Advocate  
Mr. Vikas Barala, Advocate  
Mr. Vazir Mor, Advocate for the petitioner.

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**SUVIR SEHGAL, J. (ORAL)**

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 11.11.2024 (Annexure P-4), whereby defence of petitioner-defendant No.1 has been struck off.

2. Counsel for the petitioner submits that a civil suit for partition and possession by meets and bound of S.C.F. No.29-30, Sector 7-C, Chandigarh was filed by respondents No.1 and 2 and notice was issued by the trial Court on 26.02.2024. Counsel submits that the petitioner-defendant No.1 appeared through a counsel on 15.03.2024 and despite grant of some opportunities, could not file the written statement as he was not in a position to collect all the requisite documents. He submits that although the petitioner filed an application, Annexure P-3, for grant of a fortnight's time to file the written statement but the same

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was declined and petitioner’s defence was struck off vide the impugned order. Counsel submits that the petitioner may be granted one opportunity to file the written statement subject to reasonable costs.

3. I have heard counsel for the petitioner.
4. Noticing the nature of the prayer made by the petitioner, this Court does not deem it necessary to call upon the respondents as that is likely to cause delay. Perusal of the interim orders, Annexure P-2, passed by the trial Court shows that the petitioner has been remiss in filing the written statement and has sought more than five opportunities to file the response. Be that as it may, in case, the petitioner is not given an opportunity to explain his stand, his case is likely to be seriously prejudiced.
5. Accordingly, impugned order dated 11.11.2024 is set aside. Petitioner is granted one opportunity to file the written statement within a period of six weeks from today. This will be subject to deposit of costs of Rs.20,000/- with Sahayata Charitable Welfare Society, Sector 15-B, Chandigarh (Account No : 911010027828405. IFSC : UTIB0001518.) Deposit of costs shall be a pre-condition to the opportunity granted by this Court.
6. Petition is disposed of.
7. As the main petition has been decided, all pending applications shall stand disposed of.

21.01.2025  
pooja saini

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |