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

CR-509-2025

Date of decision: 27.01.2025

Anil Kumar

...Petitioner

Versus

Dilip Kumar Biswas

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rishab Bhandari, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of directions to the Additional Civil Judge (Senior Division), to de-tag/expunge the written statement dated 24.10.2024.

2. It is not disputed before this Court that the present petitioner had filed a civil suit for specific performance on 12.01.2024 and on 25.04.2024, the respondent-defendant had moved an application for producing the original annexure i.e., sale deed filed along with the plaint and thereafter, on 09.07.2024, the Court was on leave and on 02.08.2024, the present petitioner had filed a reply to the said application and had also filed an application under Order 8 Rule 1 CPC. It is also not disputed that on 10.09.2024, reply was filed by the respondent to the said application filed



under Order 8 Rule 1 CPC and on the next date of hearing, vide order dated 24.10.2024, it was noticed that the written statement had been filed by the defendant and thus, the application under Order 8 Rule 1 CPC was disposed of as having been rendered infructuous.

3. From the abovesaid facts, it is apparent that the respondent-defendant had initially filed an application for producing the original annexure i.e., sale deed which was relied upon by the plaintiff in the plaint and after reply to the said application was filed, written statement was also filed by the respondent without any inordinate delay. In the abovesaid circumstances, this Court is of the opinion that no case is made out for expunging the written statement or for de-tagging the same. It is a matter of settled law that every endeavour should be made by the Courts to decide the case on merits and not on technicalities.

4. Keeping in view the abovesaid facts and circumstances, the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

27.01.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No