



CR No. 2920 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CR-2920-2025 (O&M)

Decided on : 14.05.2025

Parminder Singh & Anr.

.....Petitioners

Versus

Gurinder Singh & Anr.

.....Respondents

CORAM : HON'BLE MR.JUSTICE DEEPAK GUPTA

Present: Mr. Kanwal Goyal, Advocate with
Ms. Sheena Dahiya, Advocate
For the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Article 227 of the Constitution of India, petitioners assail the order dated 14.12.2023 (*Annexure P-1*) passed by the learned Civil Judge (Sr. Divn.), SAS Nagar, whereby defence of petitioners has been struck off in civil suit No. 125 of 2023 titled as '*Gurinder Singh Vs. Parminder Singh & Ors.*' Petitioners further pray to permit them to join the proceedings from the said stage by filing the written statement and to lead evidence.

2. Petitioners were some of the defendants in the above civil suit. It is contended by learned counsel that petitioners and their family members were embroiled in various litigations, including criminal cases, foisted upon them by the respondents inasmuch as an FIR was registered against the petitioners and their family members on 02.02.2023 at the instance of the respondent. The entire family of the petitioners was thrown out of the residential house, which was restored with the intervention of this Court by way of an interim order dated 11.12.2024 passed in CRM-M 61192 of 2024 (*Annexure P-7*). Learned counsel submits further that the petitioners were made homeless as they were running from pillar to post, seeking interim bail of his wife, son and other family members and due to all these reasons, they could not establish contact with their counsel for filing the written statement.



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Besides, all the relevant documents/ information for filing the written statement were kept in the house, which was in possession of police.

3. Learned counsel also submits that in another litigation between the parties, a similar order, striking off defence of the petitioner, was passed on 07.03.2024 and that Co-ordinate Bench of this Court has set aside that order, subject to costs by way of an order passed today itself in CR 2902 of 2025.

4. Though, no formal notice of motion has been issued, but Ms. Jigyasa Tanwar, Advocate has put in appearance on behalf of respondents and has filed her power of attorney. She opposes the petition by submitting that defendants i.e., petitioners herein were represented by their counsel and had not intentionally filed the written statement despite imposition of costs. However, it is not disputed by learned counsel that in another litigation between the parties, a similar order was passed, which has since been set aside by the Co-ordinate Bench of this Court in CR No. 2902 of 2025.

5. Having considered the submissions of both the sides, this Court is of the view that it will be in the interest of justice to grant one opportunity to the petitioners to file written statement subject to payment of adequate costs to the plaintiff of the case. As such, this revision petition is allowed. The impugned order dated 14.12.2023 (Annexure P-1), whereby defence of the petitioners was struck off, is hereby set aside subject to the petitioners' paying costs of ₹50,000/- to the plaintiff by way of a demand draft within a week from the date of passing of this order. On payment of said costs, the trial Court will fix the case for filing written statement, which should not be later than next 7 days. The trial Court will then proceed further in accordance with law by giving short dates and by making every efforts to expedite the trial.

Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

14.05.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No