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

CR-3322-2025

Date of decision:-03.07.2025

Balwinder Singh

...Petitioner

Versus

Ranjeet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. Amit Arora, Advocate
for the petitioner.

1. Petitioner/defendant No.1 has approached this Court by way of instant revision petition for setting aside orders dated 06.03.2025 and 15.05.2025 passed by learned Civil Judge (Sr. Divn.), Khadur Sahib, Annexures P3 and P7, respectively, whereby his defence has been struck off and permission to file written statement has been declined.

2. Mr. Amit Arora, counsel for the petitioner submits that respondent No.1/plaintiff has filed a suit, Annexure P1, for specific performance of agreement to sell pertaining to 24 kanals land situated in village Lalpur, Tehsil Khadur Sahib, District Tarn Taran for a total consideration of Rs.21 lakhs. Counsel states that the petitioner was never served and he was proceeded against ex-parte by the Trial Court.



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Counsel states that on an application moved by the petitioner, ex-parte proceedings were set aside vide order dated 21.01.2025, Annexure P2 and proceeding were adjourned to 17.02.2025, but petitioner could not deposit the cost nor file written statement. Matter was deferred to 26.03.2025 and when he went to the Court on that day, he came to know that the defence of the petitioner had been struck off vide impugned order dated 06.03.2025, Annexure P3. Counsel states that an application, Annexure P4, was filed seeking permission for filing the written statement along with the copy of the written statement. However, this application has been declined by impugned order dated dated 15.05.2025, Annexure P7. Counsel asserts that the petitioner could not appear on 06.03.2025 as the date intimated to him was 26.03.2025. He has sought one opportunity to file written statement, subject to deposit of any reasonable cost as deemed appropriate by this Court.

3. Having heard counsel for the petitioner and considering the nature of prayer made by him, this Court does not deem it appropriate to call upon the respondents as that is likely to delay the proceedings. It is evident from a perusal of the paper-book that the petitioner has been lax and despite grant of ample opportunities, he did not file the written statement. By order dated 21.01.2025, Annexure P2, ex-parte proceedings initiated against the petitioner were set aside and he was granted an opportunity to file the written statement as well as deposit cost, but he failed to do so, resulting in the passing of the impugned



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order, Annexure P3. Although the petitioner drafted the written statement and filed it with the application seeking permission to place it on the record, but the Trial Court has declined it vide impugned order, Annexure P7, as it was of the view that the prayer does not fall within the purview of Section 151 CPC.

4. Be that as it may, keeping in view the fact that if the petitioner is not permitted to contest the suit by filing a written statement, his defence is likely to be seriously prejudiced. In this background, this Court is of the considered opinion that petitioner deserves to be granted an opportunity for filing written statement. Interest of respondent No.1/plaintiff can be secured by imposing adequate compensatory cost upon the petitioner.

5. In view of the above, impugned orders dated 06.03.2025 and 15.05.2025, Annexures P3 and P7, respectively, are set aside. Application, Annexure P4, for permission to file reply is accepted. Written statement filed by the petitioner is ordered to be taken on record subject to payment of cost of Rs.20,000/- to respondent No.1/plaintiff.

6. Petition is disposed off.

(SUVIR SEHGAL)
JUDGE

03.07.2025

Brij

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