



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

297

Civil Revision No.3983 of 2022
Date of decision: October 29th, 2025

Harish Kumar

.....Petitioner

Versus

Ashok Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Rakesh Dhiman, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition under Article 227 of the Constitution of India for setting aside the order dated 02.03.2020 (Annexure P-2), whereby on account of non-filing of written statement, defence of the petitioner has been struck off and also the order dated 25.07.2022 (Annexure P-14), whereby application filed by the petitioner under Section 151 CPC to provide an opportunity to file written statement has been dismissed.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had put in appearance through his counsel on 29.11.2019 and the case was adjourned to 02.03.2020 and on the next date itself i.e. on 02.03.2020, the defence of the petitioner was struck off. It is submitted that thereafter the COVID-19 pandemic happened and no effective hearing took place and the petitioner had also moved an application for recalling the said order, which had also been dismissed vide order dated

25.07.2022. It is submitted that the case is still fixed for the evidence of the



CR No.3983 of 2022

2

plaintiff and is at initial stage. It is submitted that the petitioner is the sole defendant and in case opportunity is not granted to the petitioner to file written statement, then irreparable loss would be caused to the petitioner.

3. Learned counsel for the respondent, on the other hand, has submitted that the respondent-plaintiff had filed a suit for recovery of ₹6,30,000/- along with interest and the said suit was filed in the year 2019. It is submitted that the petitioner is trying to delay the proceedings and even the application for recalling the order dated 02.03.2020 was filed by the petitioner on 05.10.2021 after much delay. It is submitted that in case an opportunity is to be granted, then the same should be last opportunity and the same should be subject to heavy costs and the witness examined should not be recalled.

4. Learned counsel for the petitioner in view of the objection raised by the counsel for the respondent has submitted that the case is now listed for 20.11.2025 and he would file his written statement on or before 20.11.2025. It is further submitted that the petitioner is also ready to pay costs of ₹25,000/- to the respondent.

5. Keeping in view the above facts and circumstances and the fair stand taken by the learned counsel for the petitioner and the learned counsel for the respondent, this Court is of the opinion that one last opportunity should be granted to the petitioner and accordingly, the present petition is partly allowed and the impugned order dated 02.03.2020 (Annexure P-2) and 25.07.2022 (Annexure P-14), to the extent that the defence of the petitioner has been struck off, are set aside subject to the condition that the petitioner would file the written statement on or before 20.11.2025 and

would also deposit an amount of ₹25,000/- before the trial Court on or



CR No.3983 of 2022

3

before the said date i.e. 20.11.2025, which amount would be released to the respondent by the trial Court. In case the written statement is not filed on or before the above said date or the cost is not paid on or before 20.11.2025, then the present petition would be deemed to have been dismissed.

October 29th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No