



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

129

CR-5580-2025

Date of Decision: 20.08.2025

Pammi Kaur

....Petitioner

VERSUS

Sumit Kumar & Other

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ajit Pal Singh Pakka, Advocate, for the petitioner.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been instituted under Article 227 of the Constitution of India seeking to set aside the order dated 04.07.2025 (Annexure P-11), passed by the learned Civil Judge (Junior Division), Bathinda, in Civil Suit No.118 of 2024, titled "*Sumit Kumar Vs. Pammi Kaur and others*", whereby the evidence of the petitioners-defendants has been struck off on account of their failure to file the written statement within the stipulated period.

2. The brief facts of the case are that the respondent-plaintiff filed a civil suit for declaration, separate possession by way of partition and permanent injunction along with an application under Order XXXIX Rules 1 and 2 CPC, seeking an ad-interim injunction restraining respondent No.1 from dispossessing him from the house constructed on a plot measuring 143 sq. yds., situated in Street No.25, Sukhpir, Patti Jhutti, Bathinda, and further restraining respondent No.1 from alienating the aforesaid residential house.

3. Upon notice, the petitioner-defendant put in appearance through counsel on 20.03.2024 and the matter was adjourned to 25.04.2024 for filing of



written statement. Thereafter, the case was listed on 20.05.2024 and subsequently on 04.07.2025, but the written statement could not be filed. During the pendency of the civil suit, the petitioner-defendant moved an application under Section 10 CPC seeking stay of the proceedings, and the matter remained pending consideration for more than one year. Ultimately, the said application under Section 10 CPC was dismissed by the learned trial Court vide order dated 16.05.2025, and thereafter, the defence of the petitioner-defendant as well as respondents No.2 and 3 was struck off for want of filing the written statement within the stipulated period.

4. Learned counsel for the petitioner-defendant submits that the written statement could not be filed as counsel for the petitioner-defendant appeared before the learned Civil Judge (Junior Division), Bathinda, after lunch, which cannot be construed as deliberate or intentional default. It is further submitted that the petitioner, being a single mother burdened with multiple responsibilities, could not reach the Court before lunch, and owing to this unavoidable delay in appearance after lunch, the impugned order came to be passed. Learned counsel thus prays that one last effective opportunity may kindly be granted to the petitioner-defendant to file written statement in the matter.

5. In view of the order proposed to be passed, notice is not being issued to respondent-plaintiff as it would delay the proceedings besides entailing additional expenses to the respondent-defendant.

6. I have heard learned counsel for the petitioners and have gone through the material placed on record.

7. Keeping in view the aforesaid facts and circumstances, the impugned order dated 04.07.2025 is hereby set aside. The petitioner-defendant

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is directed to appear before the learned Civil Judge (Junior Division), Bathinda, who shall grant one effective opportunity to the petitioner-defendant to file the written statement, subject to payment of costs of ₹10,000/- to the respondent-plaintiff.

8. The present revision petition stands disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

20.08.2025*anil*

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No