



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

(123)

CR-5774-2025 (O&M)
Date of Decision:-**26.08.2025**

NARINDER KUMAR

... Petitioner

Versus

SALEEM KUMAR AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Raminder Singh Joon, Advocate
for the petitioner (**through Video Conferencing**).

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, seeking the quashing and setting aside of the impugned order dated 21.03.2024 (Annexure P-2). By way of this order, the learned trial Court struck off the evidence of the petitioner/defendant No.1 and was not permitted to file a written statement in the suit.

1.1 The petitioner has approached this Court on the ground that the impugned order is wholly unjustified, illegal, and suffers from a jurisdictional error. It is contended that the petitioner was denied a reasonable opportunity to present his case and that the exclusion of his evidence, as well as the refusal to allow him to file a written statement, has caused a grave miscarriage of justice. Hence, the petitioner prays that the impugned order be quashed and set aside so that he may be allowed to file



his written statement and adduce evidence in accordance with law, thereby ensuring that the principles of natural justice are upheld.

2. I have carefully examined the impugned order, and a close perusal reveals that both defendants No.1 and No.2 were placed in a similar position, as neither of them had filed any written statement despite the time granted under Order 8 Rule 1 of the Code of Civil Procedure having expired. However, the learned Civil Judge, in the exercise of discretion, without providing any reason or explanation, chose to strike off the defense of the petitioner/defendant No.1, while simultaneously granting defendant No.2 an additional opportunity to file their written statement.

3. Therefore, this case clearly demonstrates blatant discrimination between the two defendants without any justifiable reason. Such an order is manifestly illegal, and it reflects a grossly improper exercise of jurisdiction by the learned Civil Judge. In light of these facts, the impugned order is hereby set aside, and the revision petition is allowed.

4. However, observations made herein above may not to be construed as opinion on the merits of the case. Same are purely confined to the present controversy and deliberations.

5. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

26.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No