



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

CR-7197-2025

Date of Decision: 14.10.2025

BALJIT ALIAS BALJEET SINGH AND ANOTHER

....Petitioners

Versus

M/S SUKHMANI AUTOMOBILES AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Parit Aggarwal, Advocate and
 Mr. Harsh Aggarwal, Advocate
 for the petitioners.

Parmod Goyal, J. (Oral)

Petitioner-defendant is aggrieved by impugned order dated 02.09.2025 (Annexure P-6), vide which the learned Court of First Instance had fixed the case for plaintiffs' evidence. Admittedly, in the present case, plaintiff/respondent M/s Sukhmani Automobiles had filed a suit for permanent injunction wherein present petitioners are defendant Nos.1 & 2. It is also not in dispute that on 29.08.2025 following statement was made by defendant No.1 :-

“Statement of Sh. Baljit Singh s/o Gurnam Singh, r/o Guru Nanak Colony, Sangrur. On SA.

Stated that we have filed a suit for taking possession of the property in dispute which is fixed for 16.09.2025. We will get the possession according to the law.

*RO&AC**Sd/- Baljit Singh**Sd/- Balwant Singh Dhindsa Adv.”**SD/- (Rajandeep Kaur Billing), PCS**CJ(JD), Sangrur. 29.8.2025*

2. Matter was fixed for consideration on 02.09.2025. On said date learned counsel for the plaintiff asserted that statement suffered by defendant



he wants to continue with his suit against all the defendants. Accordingly, the matter was adjourned to 11.09.2025 for plaintiffs' evidence subject to last opportunity.

3. The sole argument raised on behalf of defendant/petitioner is that under the provisions of Order XII Rule 6, the learned Court of first instance, ought to have decided the suit of plaintiff and fixing the case for plaintiffs evidence is not appropriate.

4. However, on consideration, I do not find any merit in the contentions raised by learned counsel for petitioner. It is worth noticing that present petition has been preferred by defendant Nos.1 & 2. Admittedly, defendant No.2 had not suffered any admission or statement, therefore, it cannot be stated that merely since, defendant No.1 had made statement to assert his rights by way of suit would make an admission on the part of defendant No.2 also. At the most, the statement of defendant No.1 can be taken only against defendant No.1 and not against defendant No.2, therefore, petitioner/defendant No.2 is not entitled to challenge order dated 02.09.2025 as he has made no admission. Similarly, defendant No.1 has also not made any admission in his statement dated 29.08.2025.

5. Perusal of statement dated 29.08.2025 which is reproduced above goes to show that he had merely stated a fact that defendants have already filed a suit for taking possession of property which was fixed for 16.09.2025 and he shall get possession according to law. He has nowhere prayed that suit for permanent injunction preferred by plaintiff be allowed or decided in terms of his statement. Therefore, the statement does not amount to any admission which states only the facts regarding filing of suit.

6. Accordingly, provisions of Order XII Rule 6 CPC have got no applicability in the facts and circumstances of the present case. Plaintiff has



chosen to proceed with his case as defendants have not accepted his claim in totality. Therefore, the approach of learned Court of first instance in ordering trial cannot be faulted with.

7. Revision petition is without any merits, hence is dismissed. Pending Misc. application(s), if any, shall also stand disposed off.

14.10.2025
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No