

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:145974



(133)

CR-7250-2025

Decided on: 27.10.2025.

M/s Hans Raj Steels India through its partner Gaurav Mahajan

.....Petitioner(s)

Versus

M/s Steel Authority of India Ltd.

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE SUDEEPTI SHARMA

Present: Mr.Kushagra Mahajan, Advocate, for the petitioner.

SUDEEPTI SHARMA, J.

1. The present revision petition is filed for setting aside order dated 01.08.2024 (Annexure P-6) passed by Learned Civil Judge (Junior Division) Ludhiana vide which the petitioner-defendant was proceeded against *ex parte* and for setting aside order dated 26.08.2025 (Annexure P-9) whereby the review application filed by the petitioner-defendant against order dated 01.08.2024 was also dismissed.

2. Learned counsel for the petitioner contends that Learned Civil Judge (Junior Division) Ludhiana, while passing order dated 26.08.2025, has wrongly observed that petitioner was proceeded against *ex parte* for the second time, since earlier he was proceeded against *ex parte* as summons were not served upon him and because of that, he could not appear. Learned counsel further contends that though Learned Civil Judge (Junior Division) Ludhiana, while dismissing the review application, has granted opportunity

witnesses but the defence has totally been denied. He, therefore, prays that the present petition be allowed and the order dated 01.08.2024 as well as order dated 26.08.2025 be set aside, to the extent of proceeding the petitioner-defendant as *ex parte*.

3. I have heard learned counsel for the petitioner and perused the whole file with his able assistance.

4. Before proceeding further, it is apposite to reproduce the sequence of orders as passed by Learned Civil Judge (Junior Division) Ludhiana. On 04.12.2023, the petitioner-defendant was proceeded *ex parte* for the first time, which was later set-aside on 06.12.2023, subject to cost of Rs.500/- and the case was adjourned to 10.01.2024 for filing of written statement by the petitioner-defendant. However, due to strike of advocates on 10.01.2024, the case was adjourned to 19.02.2024.

5. On 19.02.2024, the petitioner-defendant was not present and therefore, his defence was struck off as many opportunities for filing of written statement were already given to him and the case was adjourned to 09.04.2024 for *ex parte* plaintiff's evidence. On 09.04.2024, petitioner-defendant filed an application for recalling of order dated 19.02.2024 alongwith a prayer to allow him to file written statement. On the same date, no plaintiff witness was present and therefore, the case was adjourned to 13.05.2024 for filing of reply to the recalling application. On 13.05.2024, reply was not filed by the plaintiff-respondent and last opportunity was given to the plaintiff-respondent for the same and the case was adjourned to 11.07.2024. As the Court was on leave on 11.07.2024, the case was taken up on 10.07.2024 and the case was adjourned to 01.08.2024. On 01.08.2024, petitioner-defendant was not present and he was proceeded

evidence. On 07.08.2024, reply was filed by the plaintiff-respondent to application for recalling of order dated 19.02.2024 and the case was adjourned to 30.08.2024. On 30.08.2024, arguments on recalling application were not addressed and the case was adjourned to 24.09.2024. On 24.09.2024, arguments on recalling application were not addressed and the case was adjourned to 18.11.2024. On 18.11.2024, recalling application was not considered by the Court by recording that the petitioner-defendant has not filed application for setting-aside order dated 19.02.2024 meaning thereby that the petitioner-defendant was still *ex parte* and therefore, he cannot argue on recalling application. Consequently, case was adjourned to 17.12.2024 for *ex parte* evidence of the plaintiff-respondent. Lateron, on subsequent dates, the matter was adjourned to 17.02.2025, 20.03.2025, 28.04.2025 and 21.05.2025 for *ex parte* evidence of plaintiff-respondent.

6. Further, a perusal of order dated 26.08.2025 shows that the written statement was already filed on 09.10.2024 alongwith application to recall order dated 19.02.2024 which was not taken on record and by observing that the petitioner-defendant was repeatedly granted opportunities to file written statement, but he failed to do so within the prescribed period, Learned Civil Judge (Junior Division) Ludhiana dismissed the application filed by the petitioner-defendant for setting aside order dated 01.08.2024 proceeding him *ex parte*. Learned Civil Judge (Junior Division) Ludhiana observed that on 19.02.2024, petitioner-defendant was absent and has rightly been proceeded against *ex parte*. Further, a perusal of order dated 26.08.2025 shows that Learned Civil Judge (Junior Division) Ludhiana, while dismissing the recalling application, set-aside order proceeding the petitioner-defendant *ex parte*, to the limited extent of enabling him to cross-

that once order proceeding the petitioner-defendant *ex parte* is set-aside, he has every right to file written statement vide which he has to defend himself. A perusal of record further shows that written statement was already filed by the petitioner-defendant on 09.02.2024 alongwith application for recalling order dated 19.02.2024 which was not taken on record, therefore, justice demand that petitioner-defendant should be given opportunity to defend himself.

12. Without commenting upon the merits of the case, the present revision petition is allowed and the impugned orders dated 01.08.2024 and 26.08.2025 passed by the Learned Civil Judge (Junior Division) Ludhiana are hereby set aside. The Learned Civil Judge (Junior Division) Ludhiana is directed to take on record written statement already filed by the petitioner-defendant.

October 27, 2025
sailesh

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No