



(CR-7568-2025)

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

(118)

CR-7568-2025 (O&M)

Date of Decision:-12.11.2025

GURINDER KAUR AND OTHERS

... Petitioners

Versus

M/S JUJHAR CONSTRUCTIONS PVT. LTD AND OTHERS ... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Saurav Bhatia, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed assailing the order dated 04.04.2025, whereby the learned Additional Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, struck off the defence of the petitioners. Petitioners contended that in a suit for possession by way of specific performance of agreement to sell dated 06.10.2016 or in the alternative for recovery of Rs.5,69,30,000/- along with interest and for declaration that sale deed executed in favour of defendant No.2, defendant No.4 and defendants No.5 and 6 are illegal, null and void. It is contended that petitioners/defendants No.1 and 3 put in appearance on 02.12.2024 and petitioner No.2/defendant No.4 appeared on 31.01.2025 and they could not file reply as requisite documents could not be arranged by the petitioners in time as wrong date was noted to file the response and defence was struck off vide order dated 04.04.2025.

2. The impugned order has been assailed on the grounds that the learned Civil Court could have burdened the petitioners with cost but their valuable right of defence should not have been taken away and that the case is now fixed for evidence of the respondents/plaintiffs and no prejudice would be caused. It is further contended that provisions of Order VIII Rule 1 of Code of Civil Procedure (CPC) are merely directory provisions.



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3. I have heard counsel for the petitioners.
4. There is no doubt that it is settled by now that the provisions of Order VIII Rule 1 of CPC requiring the defendants to file written statement within a period of 30 days from the date of their service is directory and it is also directory that period of 30 days can be further extended by 60 days and that period of 90 days can be extended on account of grounds, which were beyond the control of the defendants but in the present case, no such grounds have been shown to be existing, as such, the order does not suffer from any patent illegality or irregularity. However, considering the fact that valuable right of the petitioners has been taken away and that respondents/plaintiffs can be compensated with cost for the delay caused in disposal of the suit on account of the act of the petitioners, so, one effective opportunity is granted to the petitioners to file their written statement subject to the payment of cost of Rs.75,000/-. Out of the said cost, Rs.25,000/- be deposited with District Legal Services Authority, Mohali and Rs.50,000/- be paid to the respondents/plaintiffs.
5. Petition stands disposed of accordingly.
6. Pending miscellaneous applications, if any, are also disposed of.

12th November, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No