



CR-8130-2025

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

(128)

CR-8130-2025

Date of Decision:-13.11.2025

Dharambir

.....Petitioner

Versus

Ran Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ashok K. Sharma, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 01.04.2025 (*Annexure P-2*) passed by the learned Civil Judge (Junior Division), Bawal, District Rewari whereby the defence of the petitioner was struck off due to non-filing of the written statement.

2. Briefly, the facts are that the respondent-plaintiff instituted a suit against the petitioner. On 13.01.2025, the petitioner/defendant appeared before the learned Trial Court for the first time. Vide order dated 01.04.2025, the learned Trial Court struck off the defence of the petitioner on the ground of non-filing of the written statement.

3. Learned counsel for the petitioner submits that the petitioner



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was not afforded adequate and reasonable opportunity to file the written statement. It is contended that striking off the petitioner's defence at this stage would cause grave prejudice to his rights and adversely affect the fair and proper adjudication of the case. Learned counsel, therefore, prays that one final opportunity be granted to the petitioner to file the written statement.

4. I have heard learned counsel for the petitioner and perused the paper book.

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondent.

6. Having considered the submissions and perused the record, this Court is of the opinion that the learned Trial Court has adopted an overly strict approach in striking off the defence of the petitioner.

7. Accordingly, the present petition is allowed. The impugned order dated 01.04.2025 (*Annexure P-2*), passed by the learned Civil Judge (Junior Division), Bawal, District Rewari, is hereby set aside, subject to payment of costs of Rs. 3,000/-, to be deposited by the petitioner in the District Legal Services Authority, Rewari, in addition to the costs, if any, already imposed earlier.

8. The petitioner shall appear before the learned trial Court on the date fixed and on his production of receipt qua deposition of costs, the trial Court shall grant one effective opportunity to the petitioner for filing of written statement.



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9. The Registry is directed to forward a copy of this order to learned Civil Judge (Junior Division), Bawal, District Rewari, for compliance.

10. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

13.11.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No