



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

CR-8360-2025

DECIDED ON: 04.12.2025

COL. SURJIT SINGH AND OTHERS

.....PETITIONERS

VERSUS

**THE CHAIRMAN HARYANA URBAN DEVELOPMENT
AUTHORITY AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Capt. Arun Sharma, Advocate (through hybrid mode)
for the petitioners.

MANDEEP PANNU, J (ORAL)

1. The petitioners have filed the present revision petition assailing the legality and propriety of the order dated 28.10.2025 passed by the learned Civil Judge (Senior Division), Panchkula, whereby the reply filed by the legal representative of respondent No.2(ii) to the application under Section 151 CPC was taken on record despite his earlier statement dated 20.04.2023 that he did not intend to file any reply and would argue the matter verbally. The petitioners have further challenged the order dated 09.01.2023 passed by the learned Civil Judge (Junior Division), Panchkula to the extent that respondent No.5 was permitted to adopt the written statement of defendant No.2(ii) without payment of the cost of ₹1000/- imposed vide order dated 25.11.2022.

2. Briefly stated, the plaintiff instituted a civil suit seeking specific performance, declaration and permanent injunction. Upon issuance of notice,

some of the defendants were proceeded ex parte while others appeared through counsel. During the pendency of the suit, multiple applications under Order VII Rule 11, Order XI Rule 14 and Order VIII Rule 10 CPC were filed, besides an application by the plaintiff under Section 151 CPC. Various opportunities were granted to the appearing defendants to file written statements and replies to the pending applications, but they failed to do so on multiple occasions. On 25.11.2022, the written statement of defendant No.2(ii) was filed, and the Court directed defendants No.3 to 5 to file their written statements subject to payment of cost of ₹1000/- each to the plaintiff. Respondent No.5, however, did not file his written statement nor did he pay the costs, and later on 09.01.2023 suffered a statement adopting the written statement of defendant No.2(ii), which the Trial Court permitted.

3. Along with the above developments, the legal representative of respondent No.2(ii) had, on 20.04.2023, expressly stated before the Court that he did not intend to file any reply to the plaintiff's application under Section 151 CPC and would address verbal arguments only. However, on 28.10.2025, the Trial Court took on record the reply filed by the said respondent and adjourned the matter for arguments on the application.

4. Feeling aggrieved by the impugned orders, the petitioners have preferred the present revision petition.

5. The contention of the petitioners is that once respondent No.2(ii) had categorically waived his right to file a reply, the Trial Court could not have permitted him to file reply after an inordinate delay of more than two and a half years. It is further urged that allowing respondent No.5 to adopt the written statement of defendant No.2(ii) without first ensuring

compliance of the order dated 25.11.2022 imposing costs of ₹1000/- is in the teeth of the previous judicial direction, and therefore the impugned order dated 09.01.2023 is patently illegal.

6. Since the short controversy is involved in the present revision petition, no notice is required to be issued to the respondents.

7. Having given thoughtful consideration to the submissions advanced and having examined the material placed on record, this Court is of the opinion that no ground is made out for interference in revisional jurisdiction. The power of superintendence under Article 227 of the Constitution of India is supervisory and corrective in nature and is to be exercised sparingly. Interference is warranted only when the subordinate Court has acted in excess of jurisdiction, has failed to exercise jurisdiction vested in it, or where its order suffers from patent illegality or material irregularity causing failure of justice.

8. Insofar as the order dated 28.10.2025 is concerned, the Trial Court has merely taken the reply on record and adjourned the matter for arguments. The earlier statement of the respondent No.2(ii) waiving his right to file a reply does not, in itself, create an absolute embargo upon the Court to subsequently permit filing of a reply if the interests of justice so require. The Trial Court has exercised discretion in accepting the reply. The petitioners have not demonstrated any prejudice caused to them by the acceptance of the reply, nor have they shown that the order has occasioned failure of justice. Mere procedural irregularity, if any, not resulting in miscarriage of justice, does not call for interference in revision.

9. As regards the order dated 09.01.2023, permitting respondent No.5 to adopt the written statement of respondent No.2(ii), the Trial Court

was dealing with the stage of pleadings. The order dated 25.11.2022 imposed costs for filing a written statement; however, the adoption of an existing written statement stands on a different footing and is not strictly equivalent to filing a fresh written statement. The Trial Court's approach in allowing respondent No.5 to adopt the earlier written statement cannot be said to be perverse or without jurisdiction. Moreover, the petitioners have not been able to show how the said order has prejudiced their case or has resulted in miscarriage of justice.

10. It also deserves notice that the suit has remained pending for long, and the petitioners' challenge to the impugned orders is based on procedural grievances rather than any substantial injustice. Revisionary interference cannot be invoked to correct every procedural lapse or to micromanage the conduct of the trial. The impugned orders neither defeat the rights of the petitioners nor result in any irreparable loss to them. The petitioners shall have full opportunity to contest the matter on merits before the Trial Court, and all their legal objections remain open.

11. In view of the above discussion, this Court finds no jurisdictional error, illegality or material irregularity in the impugned orders dated 28.10.2025 and 09.01.2023 warranting interference under Article 227 of the Constitution of India.

12. The revision petition is, accordingly, dismissed.

13. All pending miscellaneous application(s), if any, stands disposed of.

(MANDEEP PANNU)
JUDGE

04.12.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No