



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CR No. 8743 of 2025 (O&M)

Date of Decision : 15.12.2025

Satish and another

...Petitioners

Versus

Umesh Chand Sharma and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Talim Hussain, Advocate for the petitioners.

Amarinder Singh Grewal, J. (Oral)

1. The present Civil Revision Petition has been filed by the petitioners-defendants under Article 227 of the Constitution of India for setting-aside the order dated 05.08.2025 (Annexure P-10) passed by learned Civil Judge (Jr. Divn.), Hodal, whereby the defence of petitioners-defendants was struck off due to non-filing of the written statement.

2. Briefly, the facts are that the respondents-plaintiffs filed a suit for possession by way of partition and permanent injunction against the petitioners and others. Upon notice of the suit, the respondents-defendants appeared through their counsel and the case was fixed for filing of the written statement by the petitioners-defendants. However, the present petitioners, who are defendants No. 17 and 18 in civil suit, failed to file the written statement, the learned lower Court vide order dated 05.08.2025 (Annexure P-10), struck off the defence of the petitioners-defendants on the



ground of non-filing of the written statement.

3. Learned counsel for the petitioners submits that since valuable rights of the petitioners are involved in the present suit, the petitioners may be given one effective opportunity to file the written statement before the learned Lower Court.

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

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

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 petitioners and the ends of justice would be served by granting the petitioners one effective opportunity to file the written statement.

7. Accordingly, the present petition is allowed. The impugned order dated 05.08.2025 (Annexure P-10) passed by the learned Civil Judge (Jr. Divn.), Hodal, is hereby set aside, subject to payment of costs of ₹5,000/- to be deposited by the petitioners within ten days in District Legal Services Authorities concerned.

8. The petitioners-defendants shall appear before the learned trial Court on the date fixed and on their production of receipt qua deposition of



costs, the trial Court shall grant one effective opportunity to the petitioners-defendants for filing of written statement.

9. The Registry is directed to forward a copy of this order to learned Civil Judge (Jr. Divn.), Hodal, for compliance.

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

December 15, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No