



CR-8817-2025

-1-

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

122

CR-8817-2025

Date of decision :11.12.2025

RISHAB ENTERPRISES

... PETITIONER

VERSUS

AMAR SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The petitioner is aggrieved by the order dated 12.09.2025 (Annexure P-10), whereby the defence of defendant No. 1 (present petitioner) was struck off. Defendant No. 1 had appeared before the Court on 06.09.2024 and despite having availed eight opportunities, failed to file the written statement. On 12.09.2025, when the matter was listed for service of defendant No. 2, the plaintiff withdrew the suit against defendant No. 2, and thereafter, the defence of defendant No. 1 was struck off for non-filing of the written statement.

2. Learned counsel for the petitioner submits that the written statement could not be filed under the impression that the matter was still fixed for service of defendant No. 2 and that talks of compromise were underway. He prays for one more opportunity to file the written statement.

3. On consideration of the submissions made, I find that the substantive rights of the parties should not be allowed to be defeated on account of purely procedural lapses, unless warranted by the circumstances of the case. In the present matter, the case is now fixed for the plaintiff's evidence, and till date, no



CR-8817-2025

-2-

evidence has been led by the plaintiff. In these circumstances, it would be appropriate to afford one opportunity to the petitioner-defendant to contest the matter on merits by permitting defendant to file written statement, subject to payment of costs of ₹10,000/- payable to respondent-plaintiff.

4. It is made clear that the written statement shall be filed by the defendant on 18.12.2025, the date already fixed before the learned Court of first instance, and no further opportunity shall be granted. In case the written statement is not filed or the costs are not paid, the order dated 12.09.2025 shall continue to operate.

5. Upon filing of written statement and payment of cost, the learned Court of first instance shall be at liberty to frame issues and record the evidence of the plaintiff's witnesses present before it, if so required.

6. The petition stands disposed of in the above terms.

11.12.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No