



CR-981-2026(O&M)

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

(120)

CR-981-2026(O&M)
Date of Decision:-09.03.2026

Smt. Shikha and Another

.....Petitioners

Versus

Seema Devi

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Mohit Rathee, Advocate
for the petitioners.

AMARINDER SINGH GREWAL, J. (Oral)

CM-4188-CII-2026

(i) This is an application filed under Section 151 of the Code of Civil Procedure for placing on record the copy of plaint as Annexure P-3.

(ii) For the reasons mentioned in the application, the same is allowed and copy of plaint (Annexure P-3) is taken on record, subject to all just exceptions.

(iii) Application stands disposed of accordingly.

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1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 16.07.2025 (*Annexure P-1*) passed by the Additional Civil Judge (Senior Division), Rohtak whereby the defence of the petitioners-defendants was

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struck off due to non-filing of the written statement and reply to stay application.

2. Briefly, the facts are that the respondents-plaintiffs instituted a suit for specific performance of contract against the petitioners. On 04.04.2024, the petitioners/defendants appeared before the learned Trial Court for the first time. Vide order dated 16.07.2025, the learned Trial Court struck off the defence of the petitioners on the ground of non-filing of the written statement and reply to stay application.

3. Learned counsel for the petitioner submits that the petitioners were not afforded adequate and reasonable opportunity to file the written statement and reply to the stay application. It is contended that striking off the petitioners' defence at this stage would cause grave prejudice to their rights and adversely affect the fair trial of the case. Thus, for proper adjudication of the matter and in view of the valuable rights involved, it is necessary to grant one effective opportunity to the petitioners for filing of written statement and reply to stay application.

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

5. In view of the order proposed to be passed, notice is not being issued to respondent as it would delay the proceedings besides entailing additional expenses to the respondent.

6. After hearing learned counsel for the petitioners and upon perusal of the case record, this Court is of the considered view that, since valuable rights of the petitioners are involved in the present case, it would



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be in the interest of justice to grant one effective opportunity for filing of written statement and reply to the stay application in the suit pending before the learned trial Court.

7. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 16.07.2025 (*Annexure P-1*), passed by the Additional Civil Judge (Senior Division), Rohtak, is hereby set aside, subject to payment of costs of Rs.5,000/-, to be deposited by the petitioner in the District Legal Services Authority, Rohtak.

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 petitioners for filing of written statement and reply to the stay application.

9. The Registry is directed to forward a copy of this order to learned Additional Civil Judge (Senior Division), Rohtak, for compliance.

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

(AMARINDER SINGH GREWAL)
JUDGE

09.03.2026
Shubham

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