



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

(121)

CR-1353-2026 (O&M)

Date of Decision: **09.04.2026**

GURPREET SINGH

... Petitioner

Versus

BALJINDER SINGH AND OTHERS

... Respondents

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present:- Mr. A.S. Jawandha, Advocate  
for the petitioner.

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**VIRINDER AGGARWAL, J.** (Oral)

1. The instant civil revision petition has been instituted by the petitioner under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, assailing the order dated 07.10.2024 passed by the learned Civil Judge, Ludhiana, whereby the defence of the petitioner–defendant was struck off.

2. In exhaustive detail, the respondent–plaintiff instituted a suit for declaration, claiming to be the owner in joint possession of the suit property and seeking a declaration that defendants No.1 to 5 have no right, title, or interest therein. The plaintiff further sought a declaration that the sale deed allegedly executed by defendants No.1 to 5 in their favour from defendant No.6 is illegal, null and void, and not binding upon the rights of the plaintiff. Consequential relief of permanent injunction was also sought, restraining the defendants from interfering with the peaceful possession of



the plaintiff over the suit property and from dispossessing the plaintiff in any manner whatsoever.

3. Defendants No.2 to 5 filed their written statement on 02.08.2024. The petitioner-defendant No.6, though having put in appearance through counsel, failed to file the written statement. It is pleaded that the petitioner had proceeded abroad and, on account of such absence, was unable to furnish instructions to his counsel. Consequently, vide order dated 07.10.2024, the defence of the petitioner was struck off. Upon his return from abroad, the petitioner contacted his counsel and thereafter preferred the present revision petition challenging the said order.

4. I have heard learned counsel for the petitioner and have perused the paper-book with due care and circumspection.

5. Learned counsel for the petitioner has contended that the impugned order is illegal and suffers from material irregularity in the exercise of jurisdiction, inasmuch as the non-filing of the written statement was neither intentional nor deliberate, but occasioned by unavoidable circumstances, namely the petitioner's absence abroad.

6. A perusal of the impugned order reveals that the petitioner-defendant had appeared before the learned Trial Court on 14.03.2023 and, thereafter, repeated adjournments were granted for filing of the written statement. However, despite the grant of such opportunities, no written statement was filed, compelling the learned Civil Judge to strike off the defence of the petitioner on 07.10.2024.

6.1 It is manifest from the record that the petitioner was afforded opportunities extending far beyond the statutory framework contemplated



under Order VIII Rule 1 of the Code of Civil Procedure, 1908, which mandates filing of the written statement within 30 days from the date of service, extendable up to 90 days upon sufficient cause being shown. Even in exceptional circumstances, where delay beyond the prescribed period is condoned, the Court is required to record reasons in writing justifying such indulgence. In the present case, the petitioner was granted indulgence for a period exceeding 18 months, yet failed to avail the same.

6.2 Significantly, even in the present revision petition, the petitioner has failed to furnish any cogent particulars regarding the period of his stay abroad, including the dates of departure and return, or any material to substantiate his inability to communicate with his counsel. In the contemporary era of advanced communication technologies, wherein interaction through video conferencing, telecommunication, and digital platforms such as messaging applications is both facile and ubiquitous, the explanation tendered by the petitioner remains vague, unsubstantiated, and wholly unconvincing. It cannot, therefore, be held that the petitioner was prevented by circumstances beyond his control from filing the written statement within the stipulated or extended period.

6.3 Furthermore, the impugned order having been passed on 07.10.2024, the present revision petition has been instituted only in January, 2026, after an inordinate and unexplained delay of more than 14 months. Though no strict period of limitation is prescribed for invoking jurisdiction under Article 227 of the Constitution of India, it is a settled principle that such jurisdiction is discretionary and equitable in nature, and relief may be declined on account of delay and laches. In the present case,



the petitioner has failed to demonstrate promptitude or diligence, and the petition is clearly vitiated by gross delay. It is trite that a litigant who sleeps over his rights cannot, at a belated stage, seek equitable relief from the Court.

6.4 In view of the foregoing analysis, this Court is of the considered opinion that the impugned order does not suffer from any illegality, perversity, or jurisdictional error warranting interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. The present revision petition, being devoid of merit, is accordingly dismissed.

7. It is, however, clarified that the observations made hereinabove are confined solely to the adjudication of the present revision petition and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated herein shall prejudice or influence the rights, claims, or contentions of the parties in the main proceedings, nor shall it be treated as a determination of any substantive question of fact or law therein.

8. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No further orders are required to be passed in that regard.

09.04.2026  
Gaurav Sorot

( VIRINDER AGGARWAL )  
JUDGE

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| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |