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

CR-1530-2026

Date of Decision: 23.04.2026

PAMMI AND ANOTHER

..... Petitioners

Versus

RAJPREET SINGH DEOL AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ivan Singh Khosa, Advocate
for the petitioners.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 05.09.2025 (Annexure P-1) passed by the Court of learned Civil Judge (Junior Division), Ludhiana, vide which the defence of petitioners/defendants No. 1 and 2 was struck off and the order dated 11.02.2025 (Annexure P-7), vide which the petitioners were granted an opportunity to file their written statement subject to payment of costs.

2. Before proceeding further, the impugned order dated 11.02.2025 is reproduced as under:-

“Cost not paid. Written statement by defendants no. 1 and 2 again not filed. Vide order dt. 21.01.2025 an application U/o 9 Rule 7 of CPC filed by defendants no. 1 and 2 was allowed with the condition that they shall be pay cost of Rs. 3,000/- to each of the plaintiff as well as file their written statement on date fixed.



Today neither they have filed written statement nor cost paid. It seems that they do not want to contest the present suit. Accordingly, their defence is struck off.

Earlier the case is fixed for cross examination of PW-1 and PW-2. Let, case stands adjourned to 01.03.2025 for the purpose already fixed.

CJJD/Ludhiana

UID No.PB0514 ”

3. I have heard the learned counsel for the petitioners/revisionists and have gone through the material on record.

4. Learned counsel for the petitioners/revisionists contended that the suit for possession by way of specific performance is based on an agreement to sell dated **04.07.2015**. Petitioners appeared through their counsel on **02.07.2018**. However, due to being entangled in a criminal case involving forged and fabricated documents and communication gap with their previous counsel, the written statement could not be filed. Learned Counsel further submitted that vide order dated **11.02.2025** (Annexure P-7), learned Trial Court had graciously allowed the petitioners' application to file the written statement subject to the payment of **Rs. 3,000/-** as costs. He contended that due to the aforementioned circumstances, neither the written statement could be filed nor the cost could be paid by the next date, leading to the striking off of their defence on **05.09.2025** (Annexure P-1). A prayer has been made that one opportunity be granted to file the written statement in the interest of justice.

5. A perusal of the record shows that on **11.02.2025**, the learned Trial Court had allowed the petitioners to join the proceedings and file written statement subject to payment of costs. The record further



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shows that on **05.09.2025**, neither the written statement has been filed nor cost has been paid and consequently the defence of defendants No. 1 & 2 was struck off.

6. No doubt, there has been delay on the part of the petitioners but this Court is of the view that the rules of procedure are handmaids of justice and should not be used to thwart the determination of a case on its merits, especially when valuable property rights of a party are involved. A party should not be deprived of an opportunity to set up its defence to the claim of the plaintiffs solely on technical grounds if the opposite party can be compensated by way of costs.

7. Accordingly, in the interest of justice, one opportunity is granted to the defendants to file their written statement, subject to payment of **Rs. 20,000/-** as costs. This cost shall be in addition to the cost previously imposed. Consequently, the impugned orders dated **11.02.2025** (Annexure P-7) and **05.09.2025** (Annexure P-1) are hereby set aside.

8. In case, petitioners fail to file the written statement within three weeks or to pay the cost, no further adjournment shall be granted to them.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

23.04.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No