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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1536-2026 (O&M)

Date of Decision: 20.04.2026

SHEELA @ SUSHILA DEVI

..... Petitioner

Versus

ANKIT

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Shailender Singh, Advocate and
Ms. Priya Bhati, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)**CM-6180-CII-2026**

The applicant-petitioner, through the instant application under Section 151 CPC, seeks permission to place on record zimni orders as Annexures P-5 to P-17.

Allowed as prayed for.

Zimni orders, Annexures P-5 to P-17, are taken on record, subject to all just exceptions. The Registry is directed to tag the same at the appropriate place.

CR-1536-2026

1. This revision petition is directed against the order dated 13.10.2025 (Annexure P-2) passed by the Court of learned Additional Civil Judge (Senior Division), Bilaspur, District Yamuna Nagar vide which the defence of petitioner/defendant has been struck off.

2. Before proceeding further, the impugned order is reproduced



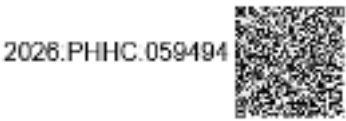
as under:-

“Written statement and reply to stay has not been filed by the Defendant. Perusal of the case file reveals that the Defendant has availed so many effective including last opportunities but statement and reply to stay application not filed till date. There is no justification to provide any more opportunity to the Defendant for filing written statement and reply to stay application. Hence defence of Defendant is hereby struck off. Now the case is adjourned to 10.12.2025 for evidence of Plaintiff at own responsibility.”

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

4. I have heard the learned counsel for the petitioner/revisionist and have gone through the material on record.

5. Learned counsel for the petitioner/revisionist contended that in the suit instituted by the plaintiff, defendant had put in her appearance on 23.12.2024 and had availed opportunities to file the written statement. However, the impugned order vide which defence has been struck off is a harsh order and has far-reaching consequences and instead of adopting such a stringent course, learned Trial Court ought to have afforded an opportunity to defendant/petitioner to file written statement in the interest of justice, so as to enable her to setup her defence to the claim of plaintiff. Learned counsel further contended that the petitioner is 85-year-old widow suffering from age-related ailments and that in non-commercial suits, the provision of filing written statement within a period



of 90 days is directory and not mandatory. Learned counsel further contended that one more opportunity to file the written statement be afforded in the interest of justice, subject to payment of cost and she will file the written statement on the date fixed and he prayed that impugned order be set aside.

6. Defendant had put in her appearance on 23.12.2024 and she failed to file the written statement and the defence was struck off. However, instead of passing a harsh order of striking off defence, the Court ought to have granted one more opportunity to the petitioner/defendant to file the written statement in the interest of justice, subject to payment of cost as valuable rights of defendant are involved. In case, the defence is struck off, a party is not left with any remedy and is deprived of the opportunity to setup its defence to the claim of the plaintiff.

7. Accordingly, in the interest of justice, one opportunity is granted to the defendant to file the written statement, subject to payment of Rs.5,000/- as costs and the impugned order is accordingly set aside. In case, defendant/petitioner fails to file the written statement within three weeks or to pay the cost, no further adjournment shall be granted to her.

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

(YASHVIR SINGH RATHOR)
JUDGE

20.04.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No