



CR-2067-2026 (O&M)

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

CR-2067-2026 (O&M)

Date of Decision: 05.03.2026

JAGGI @ JAGDISH @ JAGGU & ORS

..... Petitioners

Versus

ZILE SINGH AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ashish Gupta, Advocate and
Mr. Rakesh Gupta
for the petitioners.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 05.09.2025 (Annexure P-8) passed by the Court of learned Civil Judge (Junior Division), Nuh vide which the defence of petitioners/defendants has been struck off.

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

“Learned counsel for defendants sought adjournment for filing written statement and reply to injunction application, which is highly opposed by the learned counsel for plaintiffs. Heard. After hearing learned counsel and perusal of case file, it is clear that defendants appeared on dated 10.12.2024 and thereafter they availed 4 effective opportunities to file written statement and reply to stay application. Now no ground is made out to adjourn the case for same purpose again and again. Therefore, defence of defendants is hereby struck off. On request, case is adjourned to 11.11.2025 for



evidence of plaintiff at own responsibility.

*Civil Judge (Jr. Divn.)
Nuh(UID No. HR-0457) ”*

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 petitioners/revisionists and have gone through the material on record.

5. Learned counsel for the petitioners/revisionists contended that in the suit instituted by the plaintiffs, defendants had put in their appearance on 10.12.2024 and had availed numerous 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 defendants/petitioners to file written statement in the interest of justice, so as to enable them to setup their defence to the claim of plaintiffs. Learned counsel further contended that in non-commercial suits, the provision of filing written statement within a period of 90 days is directory and not mandatory and Court in its wisdom should have afforded one more opportunity to file the written statement. 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 they will file the written statement on the date fixed and he prayed that impugned order be set aside.

6. Defendants had put in their appearance on 10.12.2024 and they failed to file the written statement and the defence was struck off.



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However, instead of passing a harsh order of striking off defence, the Court ought to have granted one more opportunity to the petitioners/defendants to file the written statement in the interest of justice, subject to payment of cost as valuable rights of defendants 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 plaintiffs.

7. Accordingly, in the interest of justice, one opportunity is granted to the defendants to file the written statement, subject to payment of Rs.10,000/- as costs and the impugned order is accordingly set aside. In case, defendants/petitioners fail to file the written statement within three weeks or to pay the cost, no further adjournment shall be granted to them.

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

(YASHVIR SINGH RATHOR)
JUDGE

05.03.2026

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No