



CR-2139-2026

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

(123)

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Date of Decision:-09.03.2026

Hardev Singh and Others

.....Petitioners

Versus

Shri Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Shehbaz Thind, Advocate, and
Mr. Sultan Singh, Advocate,
for the petitioners.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the order dated 22.04.2025 (*Annexure P-5*), passed by the Civil Judge (Junior Division), Ludhiana, whereby the defence of the petitioners was struck off. A further prayer has been made for setting aside the impugned order dated 12.12.2025 (*Annexure P-9*), whereby the learned Trial Court dismissed the application filed by the petitioners seeking permission to file the written statement to the amended plaint.

2. Briefly stated, the respondent/plaintiff had filed a civil suit for permanent injunction against the petitioners/defendants. Upon notice, the



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petitioners appeared before the learned Trial Court. On 20.09.2022, the respondent/plaintiff filed an application under Order VI Rule 17 read with Section 151 CPC seeking amendment of the plaint. Thereafter, the amended plaint was filed by the respondent/plaintiff on 10.10.2024. Vide order dated 22.04.2025, the learned Trial Court struck off the defence of the petitioners/defendants on the ground of non-filing of the amended written statement. Subsequently, the application filed by the petitioners seeking permission to file the amended written statement was dismissed by the learned Trial Court vide order dated 12.12.2025.

3. Learned counsel for the petitioners submits that the petitioners were not afforded an adequate and reasonable opportunity to file the amended written statement. It is further submitted that after filing of the amended plaint on 10.10.2024, the case was adjourned to 18.11.2024. On that date, the lawyers abstained from work and the case was adjourned to 12.12.2024. Thereafter, the case was adjourned to 12.02.2025 and on that date, due to a holiday on account of Guru Ravi Dass Jayanti, the matter was adjourned to 22.04.2025. On the said date, the learned Trial Court wrongly struck off the defence of the petitioners.

3.1 It is further submitted that talks of compromise were going on between the parties and the respondent/plaintiff had agreed to withdraw the civil suit. However, on 07.09.2025, the respondent/plaintiff refused to withdraw the civil suit, whereafter the petitioners immediately approached their counsel and filed an application under Section 151 CPC seeking permission to file the written statement to the amended plaint. It is argued



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that the lapse on the part of the petitioners was neither deliberate nor intentional and that filing of the amended written statement is essential for proper adjudication of the case. It is contended that striking off the defence of the petitioners at this stage would cause grave prejudice to their rights. Learned counsel, therefore, prays that one final opportunity be granted to the petitioners to file the amended written statement in the interest of justice.

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

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

6. Having considered the submissions made by learned counsel for the petitioners and upon perusal of the record, this Court is of the opinion that the learned Trial Court has adopted an overly strict approach in striking off the defence of the petitioners.

7. Considering the submissions made by learned counsel for the petitioners and keeping in view that valuable rights of the petitioners are involved in the present case, the present petition is allowed, without commenting upon the merits of the case. The impugned orders dated 22.04.2025 (Annexure P-5) and 12.12.2025 (Annexure P-9), passed by the Civil Judge (Junior Division), Ludhiana, are hereby set aside, subject to payment of costs of ₹5,000/- to be deposited by the petitioners with the District Legal Services Authority, Ludhiana.



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8. The petitioners shall appear before the learned Trial Court on the date already fixed or on a date to be fixed by the Trial Court and, upon production of the receipt regarding deposit of costs, the Trial Court shall grant one effective opportunity to the petitioners for filing the amended written statement. It is made clear that no further opportunity shall be granted.

9. The Registry is directed to forward a copy of this order to the learned Civil Judge (Junior Division), Ludhiana, 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