



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

130

CR-2308-2026

Date of decision: 11.03.2026

KAMLESH KUMAR

...PETITIONER

VERSUS

KARAM CHAND AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Siddhant Bhonsle, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition under Article 227 of the Constitution of India is preferred by petitioner-defendant for setting aside impugned order dated 24.02.2026 (Annexure P-5) passed by learned Civil Judge (Junior Division), Yamuna Nagar, whereby defence of petitioner-defendant was struck off on account of non-filing of written statement.

2. Keeping in view nature of present case, no notices are being issued to respondents as doing so will result in unnecessary delay in disposal of case.

3. It is the case of petitioner-defendant that notices were issued to him on 28.11.2025 for 16.12.2025 and he had appeared on 16.12.2025 for the first time. On 16.12.2025, case after getting copies, he was granted time to file written statement and matter was adjourned to 24.02.2026 on which date his defence was struck off.

4. In present case, only one effective opportunity was granted to petitioner-defendant to file written statement. It is the duty of the Courts to give sufficient opportunities to defendant to file written statement. The Courts in the garb of expeditious trial cannot take away substantial right of parties by closing the defence which has long term effect on the rights of the parties. Not only sufficient opportunity but also sufficient time must be granted to file written statement and both opportunity and time must go hand in hand and mere passing of 90 days without giving sufficient opportunities would not empower Courts to struck off defence of defendant.

5. Courts, especially Courts of First Instance must keep in mind that principles of natural justice must be adhered and parties must be given reasonable opportunities to defend or prosecute their case. Mechanical approach for expeditious disposal by cutting short the opportunity to prosecute or defence is against the interest of justice and said course should not be adopted by the Courts below.

6. Therefore, in view of the facts and circumstances of the present case it is made out that petitioner-defendant was not given sufficient opportunity to file written statement. Accordingly order dated 24.02.2026 (Annexure P-5) is set aside. Petitioner is directed to file written statement on **23.04.2026** i.e. the date already fixed before the learned trial Court, without any fail. It is made clear that no further opportunity shall be granted to petitioner for filing written statement and upon filing of written statement, further proceedings may be continued by the learned Court of First Instance in accordance with law.

7. Present revision petition is allowed in above terms.
8. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

11.03.2026
Sunil Chander

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No