

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

(126)

CR-2452-2026 (O&M)

Date of Decision:-16.03.2026

KAMALJIT KAUR

... Petitioner

Versus

JASBIR SINGH @ BITTA AND OTHERS

... Respondents

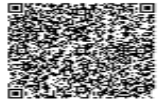
-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Amit Mehta, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. By way of present petition under Article 227 of the Constitution of India, petitioner has assailed the order dated 24.01.2025 (Annexure P-3) passed by learned Civil Judge (Junior Division), Faridabad (for short 'learned Trial Court'), whereby the defence of the petitioner/defendants No.1 to 4 has been struck off and application filed by the petitioner/defendants for recalling of the above said order was also dismissed vide order dated 06.01.2026 (Annexure P-1).
2. Learned counsel for the petitioner submits that the counsel engaged by the petitioner for defending her case before the learned Trial Court had suffered medical problem due to brain stroke but the said fact was not in the knowledge of the petitioner. Even though, the reply was already signed by the petitioner and the same was handed over to the counsel yet the same could not be filed in the Court due to medical problem of the counsel. On 24.01.2025, the case was listed before the learned Trial Court and learned Trial Court has struck off the defence of petitioner/defendants No.1 to 4. Thereafter, an application for recalling the order dated 24.01.2025 was moved by the petitioner but the same was dismissed. It is therefore prayed that one effective opportunity be granted to the petitioner to file written statement and the order passed by the learned Trial Court be set aside.



3. A perusal of the impugned order dated 24.01.2026 reveals that a total of six opportunities were granted to the petitioner to file the written statement. The mandatory period of 90 days prescribed for filing the written statement has also expired. There is nothing on record to indicate what prevented the petitioner from filing the written statement within the stipulated time. Medical record of counsel for petitioner is of May, 2025 and after that he appeared in Court on dates regularly. Consequently, no illegality or perversity is made out warranting interference by this Court in the exercise of its revisional jurisdiction.

4. Learned counsel for the petitioner contended that in the interest of justice, one opportunity be granted to the petitioner as the litigations are required to be adjudicated on merits and not on technicalities. No prejudice would be caused to the respondents, if petitioner is allowed to file written statement on merits and for delay caused, respondents can be compensated by award of cost.

5. Considering all the facts and circumstances, I am of the considered opinion that interest of justice would be met if the petitioner is allowed to file written statement by grant of one effective opportunity subject to the payment of cost of Rs.50,000/-. Out of the total cost, Rs.10,000/- be deposited in the account of District Legal Services Authority, Faridabad, and remaining cost be paid to the respondents/plaintiffs. Impugned orders dated 24.01.2025 and 06.01.2026 are hereby set aside qua petitioner.

6. Petition stands disposed of accordingly.

7. As a natural corollary, since the main cases stand disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

(VIRINDER AGGARWAL)
JUDGE

16th March, 2026
S. Pathania

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No