



CR-2563-2026

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

(125)

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Date of Decision:-19.03.2026

Aman Kumar

.....Petitioner

Versus

Laxmi

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Pawan Attri, Advocate
for the petitioner.

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 impugned order dated 09.02.2026, passed by the learned Civil Judge (Junior Division), Pehowa, whereby the defence of the petitioner-defendant was struck off on account of non-filing of the written statement and reply to the stay application.

2. Briefly, the facts are that the respondent-plaintiff instituted a suit for possession by way of specific performance on the basis of an agreement to sell dated 19.12.2023 against the petitioner. On 21.05.2025, the petitioner/defendant appeared before the learned trial Court for the first time. Vide order dated 09.02.2026, the learned trial Court struck off the defence of the petitioner on the ground of non-filing of the written statement and reply to the stay application.

3. Learned counsel for the petitioner submits that the petitioner was not afforded adequate and reasonable opportunity to file the written



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statement and reply to the stay application. It is contended that striking off the petitioner's defence at this stage would cause grave prejudice to his rights and adversely affect the fair trial of the case. Thus, for proper adjudication of the matter and in view of the valuable rights involved, it is necessary to grant one effective opportunity to the petitioner for filing the written statement and reply to the stay application.

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

5. In view of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as the same would delay the proceedings besides entailing additional expense.

6. After hearing learned counsel for the petitioner and upon perusal of the case record, this Court is of the considered view that, since valuable rights of the petitioner are involved, it would be in the interest of justice to grant one effective opportunity for filing of the written statement and reply to the stay application in the suit pending before the learned trial Court.

7. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 09.02.2026, passed by the learned Civil Judge (Junior Division), Pehowa, is hereby set aside, subject to payment of costs of ₹5,000/-, to be deposited by the petitioner with the District Legal Services Authority, Kurukshetra, over and above the costs already imposed by the learned trial Court.



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8. The petitioner shall appear before the learned trial Court on the date already fixed and, upon production of the receipt qua deposit of costs, the trial Court shall grant one effective opportunity to the petitioner for filing the written statement and reply to the stay application.
9. It is made clear that the order dated 09.02.2026 is set aside only to the extent of striking off the defence of the petitioner for non-filing of the written statement and reply to the stay application; all other terms and conditions imposed by the learned trial Court shall remain intact.
10. A perusal of the case file and the zimni orders on the trial Court portal shows that the orders dated 09.05.2025 and 21.05.2025 have been uploaded as ‘blank’, apparently due to a clerical or technical error, possibly on account of workload. The learned trial Court is directed to rectify the same forthwith. The learned District & Sessions Judge shall also ensure that proper care is taken while uploading orders and that the workload is managed in a manner that the staff of the Sessions Division is not unduly burdened.
11. The Registry is directed to forward a copy of this order to the learned Civil Judge (Junior Division), Pehowa, for compliance.
12. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

19.03.2026
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No