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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****JASWINDER SINGH****...Petitioner****Vs.****NEHA AND OTHERS****...Respondents****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

The present Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the impugned order dated 28.11.2025 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Hoshiarpur, whereby the defence of the petitioner has been struck off on account of an alleged lapse of 90 days. The impugned order has been passed without considering the fact that the petitioner had already moved an application under Order 11 Rule 14 CPC, seeking production of necessary documents from the respondent/plaintiff, which have been relied upon in the plaint and are essential for filing an effective written statement. The said application is still pending adjudication before the learned Court below. In these circumstances, the order striking off the defence of the petitioner is illegal, arbitrary, and in violation of the principles of natural justice, and is therefore liable to be set aside.

2. Briefly stated, respondent No. 1/plaintiff instituted a suit for specific performance of an alleged agreement to sell dated 11.07.2022 in respect of the suit property for a total sale consideration of Rs. 35,00,000/-, alleging payment of Rs. 7,50,000/- as earnest money and claiming the balance

amount as due, and a copy of the civil suit dated 24.07.2024 is annexed as Annexure P-1; that upon service of summons, the petitioner appeared before the learned Trial Court on 19.02.2025 through power of attorney, however, no copy of the plaint or documents was supplied at that stage, necessitating a request for the same to enable filing of a written statement; although the learned Trial Court vide order dated 09.04.2025 observed that the plaint had been supplied and disposed of the application, the petitioner had to change counsel due to a conflict of interest and could not obtain the relevant documents from the earlier counsel and despite due diligence, the petitioner could not secure the documents relied upon by the plaintiff and, therefore, moved an application under Order 11 Rule 14 CPC seeking production of the same, which remained pending, however, without adjudicating the said application, the learned Trial Court proceeded to strike off the defence of the petitioner on the ground of lapse of 90 days, which action is illegal, arbitrary, and in violation of the principles of natural justice as the petitioner was deprived of a fair opportunity to file his written statement.

3. As per the provisions of Order VIII, Rule 1 of the Code of Civil Procedure, the respondent is required to file a written statement within a period of 30 days from the date of service of the summons. This period may, in appropriate circumstances, be extended for sufficient cause or reasonable grounds, up to a maximum of 90 days. The Hon'ble Apex Court has held that even this period of 90 days is not rigid or mandatory and that additional time may be granted where failure to file the written statement is due to circumstances beyond the control of the party. However, in the present case, no such circumstances exist which prevented the petitioner from filing the

written statement within the prescribed period. The petitioner made his appearance before the trial Court on 19.02.2025, and the copies of the plaint were supplied to him on 09.04.2025. The impugned order was passed on 28.11.2025, and the alleged application filed by the petitioner under Order XI, Rule 14 CPC was also filed only on 28.11.2025. Thus, a period of over 180 days had already elapsed, far exceeding even the extended period of 90 days allowed under the CPC. The matter remained pending for an extended period, during which the petitioner was repeatedly afforded adequate opportunities to submit the written statement but failed to do so. In view of this, I do not find any illegality, impropriety, or perversity in the order passed by the learned Family Court striking off the defence. The order, therefore, is both valid and in accordance with law.

3. At this stage, learned counsel for the petitioner contended that, in the interest of justice, the petitioner may be granted an opportunity to file the written reply so that he may be able to contest the petition on merits. It is a well-settled principle that the interest of justice requires that parties be afforded a fair opportunity to be heard and to contest proceedings on merits. At the same time, any inconvenience caused to the respondent/petitioner due to such adjournment or delay ought to be adequately compensated by way of suitable costs. Considering the interest of justice, and in order to allow the parties to contest the petition on its merits, the petitioner is granted one effective opportunity to file the written statement, subject to payment of costs amounting to Rs. 30,000/-, of which Rs. 5,000/- shall be deposited in the account of the District Legal Services Authority, Hoshiarpur, and the remaining amount of Rs.25,000/- shall be paid to respondent No.1/plaintiff on



or before the next date of hearing. Learned Trial Court is further directed to decide the application under Order 11 Rule 14 CPC filed by the petitioner/defendant.

4. In view of the above, the present petition is disposed of. Pending applications, if any, shall also stands disposed of.

(VIRINDER AGGARWAL)
JUDGE

19.03.2026

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*