

CR-2628-2026 (O&M)
CR-2635-2026 (O&M)

(145)

1. **CR-2628-2026 (O&M)**

Kalawati @ Kamlawati and anotherPetitioners

Versus

Anita and othersRespondents

2. **CR-2635-2026 (O&M)**

Kalawati @ Kamlawati and anotherPetitioners

Versus

Anita and othersRespondents

Date of decision: - 01.04.2026

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhavpreet S. Dhatt, Advocate
for the petitioners.

Mr. A.P.S. Rana, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This order would dispose of two revision petitions. Civil Revision No.2628 of 2026 has been filed by the petitioners/defendants No.1 and 2 in which challenge is to the order dated 17.02.2026 (Annexure P-12) vide which the application filed by the petitioners under Order XXXII Rule 2 read with Order VI Rule 14 and Section 151 CPC has been



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dismissed. A further prayer has been made for allowing the application dated 29.06.2023 (Annexure P-7) filed by the petitioners under Order XXXII Rule 2 read with Order VI Rule 14 and Section 151 CPC for taking the plaint off the file. Civil Revision No.2635 of 2026 has also been filed by the same petitioners/defendants No.1 and 2 in which challenge is to the order dated 25.02.2026 (Annexure P-13) vide which the defence of the petitioners has been struck off.

2. Both the above-said impugned orders have been passed in the same suit. On 25.03.2026, this Court was pleased to pass the following order: -

“Present:- Mr. Bhavpreet S. Dhatt, Advocate for the petitioners.

Learned counsel for the petitioners has submitted that application filed by the petitioners under Order 32 Rule 2 CPC was dismissed on 17.02.2026 and since the petitioners wanted to challenge the said order dated 17.02.2026 thus, in the said circumstances, they had not filed the written statement and their defence was struck off vide order dated 25.02.2026. It is submitted that the petitioners have also filed an application under Order 7 Rule 10 CPC for return of the plaint and case is now listed for 07.04.2026. It is further submitted that in case the petitioners are granted opportunity to file written statement then the petitioners would not press CR-2628-2026 provided that the petitioners are granted liberty to raise objections that the suit filed on behalf of plaintiff No.2-minor is not maintainable and the said aspect is seen independently at the stage of final adjudication. It is further submitted that the petitioners are also ready to pay reasonable compensation to respondent No.1 for the inconvenience caused to respondent No.1.



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Notice of motion for 01.04.2026.

To be taken up in the urgent list.

Liberty is granted to the petitioners to serve respondent No.1 through dasti process as well as through her counsel appearing before the trial Court.

The petitioners would bring an amount of Rs.15,000/- as cost which is to be paid to respondent No.1 on the next date of hearing.

A photocopy of this order be placed on the file of other connected case.

25.03.2026”

3. Learned counsel for the petitioners has submitted that he has brought an amount of Rs.15,000/- as cost and the same has been handed over to learned counsel for respondent No.1, who has reaffirmed the said fact.

4. During the course of arguments, a very fair stand has been taken on behalf of the petitioners as well as contesting respondent No.1 and on the basis of the said fair stand and in view of the consensus arrived at between the parties, the present revision petitions are disposed of with the following observations/directions: -

- (i) The order dated 17.02.2026, vide which the application filed by the petitioners under Order XXXII Rule 2 read with Order VI Rule 14 and Section 151 CPC was dismissed, is upheld with the clarification that it would be open to the petitioners to raise the objection with respect to non-maintainability of the suit on behalf of plaintiff No.2 in the written statement and in case any such objection is taken by the petitioners,



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then, the same would be considered independently by the trial Court, after hearing both the parties concerned, dehors the observations made in the order dated 17.02.2026.

- (ii) The order dated 25.02.2026, vide which the defence of the petitioners was struck off, is set aside and the petitioners are granted one last opportunity to file the written statement on or before the next date of hearing i.e. 07.04.2026. The same would be subject to cost of Rs.15,000/-, which has already been paid by the petitioners to respondent No.1.

April 01, 2026
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No