



CR-2833-2026

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

(123)

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Date of Decision:-01.04.2026

Rajinder Singh

.....Petitioner

Versus

Nishan Singh and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ribhav Singla, 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 28.11.2025 (*Annexure P-5*) passed by the learned Civil Judge (Junior Division), Khadur Sahib, District Tarn Taran whereby the defence of the petitioner-defendant No.2 was struck off due to non-filing of the written statement.

2. Briefly, the facts are that the respondents-plaintiffs instituted a suit for permanent injunction against the petitioner. On 22.05.2025, the petitioner/defendant No.2 appeared before the learned Trial Court for the first time. Vide order dated 28.11.2025, the learned Trial Court struck off the defence of the petitioner on the ground of non-filing of the written



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statement.

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

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

5. 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 in the present case, it would be in the interest of justice to grant one effective opportunity for filing of written statement in the suit pending before the learned trial Court.

6. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 28.11.2025 (*Annexure P-5*), passed by the learned Civil Judge (Junior Division), Khadur Sahib, District Tarn Taran, is hereby set aside, subject to payment of costs of Rs.5,000/-, to be deposited by the petitioner in the District Legal Services Authority, Tarn Taran.

7. The petitioner shall appear before the learned trial Court on the date fixed and on his production of receipt qua deposition of costs, the trial



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Court shall grant one effective opportunity to the petitioner for filing of written statement.

8. The Registry is directed to forward a copy of this order to learned Civil Judge (Junior Division), Khadur Sahib, District Tarn Taran, for compliance.

9. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

01.04.2026
Shubham

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