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

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Date of decision: 06.04.2026

RAMKISHAN

....Petitioner

Versus

OM PARKASH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Harshit Jangra, Advocate for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the order dated 06.07.2022 (Annexure P-1) passed by the Court of Additional Civil Judge (Senior Division), Bhiwani, vide which the defence of defendant No. 2/petitioner has been struck off on account of his failure to file the written statement.
2. I have heard learned counsel for the petitioner and gone through the material placed on the file.
3. Learned counsel for the petitioner contended that the delay in filing the written statement was not intentional and was rather due to a communication gap and negligence on the part of the counsel engaged by the petitioner. It is further contended that the petitioner was not informed about the proceedings or the requirement to file the written statement and he came to know about the impugned order recently. Learned counsel next contended that one opportunity be granted to file the written statement in the interest of justice and that the petitioner is ready and willing to contest the suit on merits.
4. However, I do not find any force in the contention raised by learned



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counsel for the petitioner and the petition in hand is liable to be dismissed for the reasons discussed hereinafter.

5. Before proceeding further, the impugned order is reproduced as under:—

“Today the case was fixed for filing written statement. Previous cost paid. Written statement filed by the defendant No.1. Copy given. Written statements on behalf of defendants No. 2 and 3 not filed despite availing last and final opportunity. Hence defence of defendants No. 2 and 3 are hereby struck off. Now to come upon 16.01.2023 for evidence of the plaintiff.”

6. A perusal of the aforesaid order as well as the record placed on file shows that the suit was instituted by the plaintiff-respondent on 13.08.2020. Defendant No. 2/petitioner appeared through counsel but failed to file the written statement up to 06.07.2022, when the defence was struck off on account of failure to file the written statement. The aforesaid order, thus, shows that the defendant No. 2/petitioner has been lethargic while defending the suit and did not make any efforts to file his written statement within the stipulated period. It is well settled that when a defendant fails to file the written statement within the stipulated period and consequently, the defence is struck off due to lethargy or wilful negligence, the courts should not come to the aid of such lethargic litigants. The petitioner has not been able to show that the delay in filing the written statement was due to “exceptional circumstances” rather than mere negligence and as such, no ground to set aside the well-reasoned order dated 06.07.2022 (Annexure P-1) is made out. The learned Trial Court has rightly struck off the defence as the petitioner failed to file the written statement for a period of nearly two years. Besides this, the impugned order was passed on 06.07.2022 and the present revision petition has been instituted now in the year 2026, after about 04 years,



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which further shows that petitioner has been negligent in defending the suit and has arisen from deep slumber and this circumstance also disentitles the petitioner to the desired relief.

7. Resultantly, the petition in hand is ordered to be dismissed being meritless.

06.04.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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