



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

CR-2881-2026

Date of Decision:21.05.2026

JASVIR SINGH

...Petitioner

Versus

AVTAR CHAND AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Harmanjeet Singh, Advocate
Mr. Sidharth Maini, Advocate
Mr. Sarabjeet Singh, Advocate
Mr. Dhruv Khanna, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioner-defendant No.1 being aggrieved by impugned order dated 19.05.2025 (Annexure P-3) passed by learned Civil Judge (Junior Division) Kharar, whereby defence of petitioner-defendant No.1 was struck off.

2. That suit for partition of land situated at village Gharuan was preferred by respondent No.1-plaintiff. Respondent No.1-plaintiff had then filed an application under Order VI Rule 17 read with Section 151 CPC, 1908 and amended plaint dated 11.12.2023. The application for amendment was allowed vide order dated 15.05.2024. Thereafter, the case was fixed for filing written statement on behalf of petitioner-defendant No.1 and for securing the presence of the remaining defendants. However, petitioner-defendant No.1 failed to file his written statement.

3. Learned Court had accordingly struck off the defence of petitioner-defendant No.1 vide impugned order dated 19.05.2025.

4. On consideration, I do not find any error in the impugned order passed by learned Court below. The present situation has arisen on account of fault on the part of petitioner-defendant No.1 himself. However, wherever the other side can be compensated with cost, the Courts prefer to allow the defaulted party to contest the suit on merits in order to achieve substantial justice. In present case also, since suit is at a initial stage it would be appropriate to grant one opportunity to petitioner-defendant No.1 to file his written statement subject to cost of Rs.50,000/- (Rupees Fifty Thousands only).

5. Accordingly, petitioner-defendant No.1 is directed to file written statement on next date already fixed before the Court of First Instance i.e. 29.05.2026. No other opportunity would be granted. Petitioner-defendant No.1 shall pay Rs.25,000/- (Rupees Twenty Five Thousands only) to respondent No.1-plaintiff and Rs.25,000/- (Rupees Twenty Five Thousands only) to District Legal Services Authority, S.A.S. Nagar. Order dated 19.05.2025 is accordingly modified to above extent.

6. Present revision petition is disposed of in above terms.

7. Pending application(s), if any, stand disposed of.

21.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No