



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

129

CR-3001-2026

Date of decision: 07.04.2026

MANOJ KUMAR

....Petitioner

Versus

SATISH KUMAR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. R.A. Sheoran, Advocate for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition is directed against the orders dated 26.09.2019 and 23.01.2026 (Annexures P-2 and P-3) passed by the Court of Additional Civil Judge (Senior Division), Charkhi Dadri, vide which the defence of the petitioner was struck off and his subsequent application for setting aside the said order was dismissed.
2. I have heard learned counsel for the petitioner and have gone through the material placed on the file.
3. Learned counsel for the petitioner contended that the delay in filing the written statement was neither intentional nor deliberate, but was due to the petitioner's employment as a truck driver. Learned counsel further contended that the petitioner was not properly represented, as he had never engaged Sh. Kulwant Singh, Advocate, whose presence was recorded in the zimni orders. Learned counsel next contended that an application to set aside the order striking off the defence was filed on 22.11.2019, but was dismissed only on 23.01.2026. Learned counsel further contended that since the suit is still at an initial stage and no



witnesses have been examined, one opportunity be granted to file written statement in the interest of justice and respondent can be compensated in terms of costs.

4. However, I do not find any force in the contentions raised by learned counsel for the petitioner for the reasons discussed hereinafter.

5. Before proceeding further, the impugned order dated 26.09.2019 is reproduced as under:—

“Today the case was fixed for filing written statement on behalf of defendant, subject to cost of Rs. 300/- to be deposited in the account of DLSA. Written statement on behalf of defendant has not been filed. Costs has also not been paid. An adjournment is requested by learned counsel for defendant. Heard. Keeping in view the fact that defendant has failed to file his written statement despite availing several effective opportunities, within stipulated period of 90 days and as such I do not find any justification further adjourning the case again for similar purpose. Hence defence of defendant is hereby struck off. Now to come up on 11.12.2019 for evidence of plaintiff.”

6. A perusal of the record shows that the suit was instituted on 04.12.2018 and the petitioner appeared through counsel on 24.01.2019. Despite this, he failed to file the written statement for several months, leading to the striking off of his defence on 26.09.2019. Thereafter, he moved an application seeking permission to file the written statement, which was disposed of vide impugned order dated 23.01.2026. However, instead of moving the said application, the defendant/petitioner should have instituted a revision petition before the High Court, assailing the order dated 26.09.2019.

7. It is well settled that when a defendant fails to file the written statement within the stipulated period due to lethargy or wilful negligence, the



Courts should not come to the aid of such litigants. The petitioner has failed to demonstrate any “exceptional circumstances” justifying a delay of nearly nine months in filing his written statement after his initial appearance. Furthermore, the institution of the present revision petition only in the year 2026, indicates that the petitioner has arisen from a deep slumber, a circumstance that further disentitles him to the desired relief.

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

07.04.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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