

2026:PHHC:060795



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

123

CR-3396-2026 (O&M)

Date of decision :22.04.2026

MADAN LAL

... PETITIONER

VERSUS

ROSHAN AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Aayush Bansal, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the impugned order dated 25.02.2026 (Annexure P-5) passed by the learned Civil Judge (Junior Division), Kosli, District Rewari, whereby the application under Order VIII Rule 10 CPC, 1908 filed by the petitioner–plaintiff and the application under Section 151 CPC, 1908 moved by the respondent–defendant were decided.

2. It is the case of respondent-defendant that on the last date fixed for filing of the written statement, the respondent–defendant moved an application under Order VII Rule 11 CPC along with an application under Section 151 CPC, seeking permission to file the written statement after the decision of the application under Order VII Rule 11 CPC. The learned Trial Court, after considering the application filed by the petitioner–plaintiff for striking off the defence of the respondent–defendant, as well as the application under Section

151 CPC filed by the respondent–defendant, passed the following directions:-

- “1. *The application filed by the defendant seeking adjournment until disposal of the application under Order 7 Rule 11 CPC is allowed, subject to payment of costs of ₹ 1,000/- to the SDLSA.*
2. *In the event the application under Order 7 Rule 11 CPC is dismissed, the defendant shall be granted only one effective opportunity to file the written statement within a time to be specified, failing which the defence shall be liable to be struck off without further indulgence.”*
3. On consideration, I do not find any infirmity in the orders passed by the learned Civil Judge (Junior Division), Kosli. The application under Order VII Rule 11 CPC goes to the root of the matter, namely, whether the plaint is liable to be rejected. In the event the plaint is rejected, there would be no necessity for filing a written statement. Moreover, costs of ₹1,000/- have already been imposed in favour of the petitioner-plaintiff to compensate for the delay caused by the respondent-defendant in moving the application, and therefore, no interference is warranted.
4. However, in the garb of an application under Order VII Rule 11 CPC, the respondent-defendant cannot be permitted to delay the disposal of the suit. Accordingly, the learned Civil Judge (Junior Division), Kosli is directed to decide the application under Order VII Rule 11 CPC within a period of two months from the date of filing of the reply by the petitioner-plaintiff to the said application. Written statement after decision of application under Order VII Rule 11 CPC shall be filed by availing one effective opportunity as directed vide impugned order.

- 5. The present petition stands disposed of accordingly.
- 6. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

22.04.2026		(PARMOD GOYAL)
manoj		JUDGE
	Whether speaking/reasoned	Yes
	Whether reportable	Yes/No