



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

116**CR-3496-2026****Date of decision:07.05.2026**

SATISH

...PETITIONER

VERSUS

MOHYAL HOUSING & WELFARE ASSOCIATION

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ankit Yadav, Advocate
for petitioner.

PARMOD GOYAL, J. (ORAL)

1. Present revision petition has been preferred under Article 227 of the Constitution of India by petitioner-defendant being aggrieved by order dated 06.11.2024 passed by learned Civil Judge (Junior Division), Gurugram in CIS No.CS/633/2024 titled as Mohyal Housing and Welfare Association Vs. Satish, whereby defence of petitioner-defendant has been struck off.
2. Admittedly, in present case, the suit for permanent and mandatory injunction was filed by respondent-plaintiff on 21.02.2024. Thereafter, petitioner-defendant appeared on 19.03.2023. The matter was thereafter fixed for 30.03.2024 for filing of written statement and for filing of reply to application for interim injunction preferred by respondent-plaintiff. On 30.03.2024, reply to injunction as well as application for production of document i.e. original sale deed, which was made basis of suit, was preferred by petitioner-defendant. Thereafter matter was adjourned to 06.04.2024, 16.04.2024, 08.05.2024 and 24.05.2024 for filing reply to the application for production of documents preferred by petitioner-defendant and also written statement on behalf of petitioner-defendant. On 03.07.2024,

the Presiding Officer of the concerned Court was on leave and matter was adjourned to 06.09.2024. On said date, reply to application for production of document preferred by petitioner-defendant was filed by respondent-plaintiff and matter was adjourned to 06.11.2024 and on said date for non-filing of written statement, the defence of petitioner-defendant was struck off.

3. The learned counsel for petitioner-defendant submits that without inspection of original sale deed, petitioner-defendant was unable to take proper defence in present case and unless his application for production of documents is decided, he could not be penalised for non-filing of written statement. It is asserted that most of the dates were taken (from 30.03.2024 till 06.09.2024) by the respondent-plaintiff to file reply and therefore, petitioner-defendant was not at fault for not filing the reply. It is further asserted that subsequent to striking off the defence of petitioner-defendant, the application for production of documents was only decided on 20.11.2025. The same was dismissed as photocopy was filed along with the plaint. It is the case of petitioner-defendant that till date no witness has been examined.

4. In present case, respondent-plaintiff himself is at fault for present situation. When only photocopy of sale deed had been filed along with plaint, he could have very well filed his written statement subject to his right to amend the same in case there was any need. However, by wrongly insisting on production of original document, which otherwise respondent-plaintiff was required to prove by way of his evidence, appears to be an excuse on the part of petitioner-defendant to delay proceedings. However since in present case, no further proceedings have taken place till date, no

witness has been examined by respondent-plaintiff, this Court deems it appropriate that petitioner-defendant be given one more opportunity to file written statement after compensating respondent-plaintiff by way of cost. Accordingly, let written statement be filed on 23.05.2026 by moving appropriate application by petitioner-defendant for pre-ponement of the case before Court below, subject to payment of Rs.25,000/- to be paid to respondent-plaintiff. The learned Court of First Instance is directed to do the needful by giving notice to other side, accept written statement on behalf of petitioner-defendant and fix the case on date already fixed before it for the evidence of parties after framing of issues.

- 5. Present civil revision petition is disposed of.
- 6. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

07.05.2026
Sunil Chander

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*