

2026:PHHC:078854



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

128

CR-4207-2026

Date of decision :19.05.2026

HITESH GUPTA

... PETITIONER

VERSUS

INDU AGGARWAL AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lakshay Malik, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been preferred under Article 227 of the Constitution of India by petitioner for setting aside of the impugned order dated 28.07.2025 passed by the learned Additional Civil Judge (Senior Division), Rohtak, whereby the defence of petitioner and respondent No. 3 for not filing written statement despite availing 15 effective opportunities, was struck off.

2. Admittedly, in the present case, petitioner had duly appeared before the Court on 25.01.2023 and thereafter had availed 15 effective opportunities for filing the written statement, as has been recorded by the learned Court of first instance, and despite that, written statement was not filed. The ground that respondent No. 3-Punjab National Bank had not furnished reply to the RTI application preferred by the petitioner is not a justified cause for not filing the written statement to the contempt petition. Thus, the orders passed by the Court below cannot be held to be erroneous.

3. It is worth noticing that though the case is fixed for respondent Nos. 1 and 2 evidence, no evidence has been adduced by the respondent Nos. 1 and 2 till date and, therefore, if the written statement is permitted to be taken on record subject to payment of costs, no serious prejudice would be caused to respondent Nos. 1 and 2. Therefore, where the other side can be compensated with costs, the Court must lean towards substantive justice and, in the present case also, I feel that substantive justice can be promoted by granting one effective opportunity to the petitioner to file his written statement subject to costs of Rs.50,000/- payable to respondent Nos. 1 and 2. It is made clear that the written statement shall be filed on 01.07.2026, the date already fixed before the learned trial Court.

4. Accordingly, the impugned order dated 28.07.2025 is modified to the extent that one final opportunity is granted to the petitioner to file their written statement on or before 01.07.2026 subject to payment of costs of Rs.50,000/- to respondent Nos. 1 and 2.

5. It is made clear that no further opportunity shall be granted to the petitioner to file written statement and in case the written statement is not filed or the costs are not paid on the date fixed, the Court shall proceed with the case in accordance with law and the benefit of the present order shall automatically stand withdrawn.

6. Present revision petition is disposed of accordingly.

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

19.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No