



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

**CR No. 3836 of 2026 (O&M)
DATE OF DECISION: 06.05.2026**

ICICI HOME FINANCE COMPANY LIMITED

.....PETITIONER

Vs.

ATUL KUMAR SAXENA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Rishabh Gupta, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 03.12.2025 (Annexure P-10), passed by the learned Civil Judge (Junior Division), Panipat, in CS No.1152 of 2024 titled as '*Atul Kumar vs. ICICI Home Finance Co. Ltd. and another*', whereby the defence of the petitioner/defendant has been struck off.

2. Brief facts of the case are that the respondent-plaintiff had filed a suit for mandatory injunction seeking directions to the present petitioner-defendant to refund the excess interest charges, additional interest and other charges in loan account No. 7791045247 of the respondent and also for declaration for setting aside the sale deed regarding property comprised in '*Khewat*' No.611, '*Khatoni*' No.585, '*Khasra*' Nos.1043 and 1044, '*Patti Insar*', Panipat, against the present petitioner and another.



2.1 Notice of the said suit was issued to the present petitioner and another. Further, an application dated 03.12.2025 (Annexure P-9) under Order I Rule 10 Code of Civil Procedure, 1908 (for short '*the CPC*') for striking off the name of defendant No.2-ICICI Bank Ltd. was moved. The impugned order dated 03.12.2025 (Annexure P-10) shows that learned counsel for the respondent made no objection to allowing the same and accordingly, the name of defendant No.2-ICICI Bank Ltd. was struck off from the array of defendants. Further, the impugned order dated 03.12.2025 (Annexure P-10) shows that the written statement was not been filed and it was held by the learned trial Court that several effective opportunities had already been availed of by defendant No.1, i.e. the present petitioner, but still he failed to file the written statement and accordingly, the defence of the present petitioner was struck off.

3. Learned counsel for the petitioner has contended that since valuable rights of the petitioner are involved in getting the suit adjudicated upon on merits, as such, one more opportunity may be granted to him to file the written statement. At the same time, it has been contended that even on the same date, i.e. 03.12.2025, the present petitioner had filed an application under Order VII Rule 11 read with Section 151 CPC for rejection of the plaint and the same was taken on record and the matter was adjourned for filing of reply to the said application by the respondent. It is prayed that the impugned order dated 03.12.2025 (Annexure P-10) be set aside and one more opportunity be granted to the present petitioner for filing the written statement.



4. In view of the facts of the present case, this Court feels that issuance of notice to the respondent would unnecessarily delay the proceedings and, as such, issuance of notice to the respondent is dispensed with.

5. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

6. Keeping in view the above facts and circumstances, without making any comment on the actual merits of the case, the present petition is allowed and the impugned order dated 03.12.2025 (Annexure P-10) is partly set aside only to the extent whereby the defence of defendant No.1 was struck off by the learned trial Court. The petitioner is directed to appear before the learned trial Court on the date fixed, whereupon the learned trial Court shall grant one effective opportunity to the petitioner for filing the written statement. However, it is made clear that the aforesaid order shall be subject to payment of costs of ₹5,000/- to be deposited by the petitioner with the District Legal Services Authority, Panipat. A copy of the receipt of the said costs shall also be produced before the learned trial Court.

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

MAY 06, 2026

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Whether Speaking

Whether Reportable

(AMARINDER SINGH GREWAL)

JUDGE

Yes

No