



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

118

CR No.3893 of 2026 (O&M)
Date of Decision: 08.05.2026

Satnam Singh Bhangu

...Petitioner

V/s

Amritpal Kaur

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. G.S. Verma, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 09.01.2026 (Annexure P-6) passed by the Court of Civil Judge (Jr. Divn.), SAS Nagar, Mohali, vide which the defence of the petitioner-defendant was struck off.

2. The facts, as emanating from the revision petition, are that a civil suit for possession of House No.565, Second Floor (2 BHK), Sector-77, District SAS Nagar, Mohali and recovery of an amount of Rs.90,224/- on account of arrears of rent, was filed by the respondent-plaintiff against the petitioner-defendant on 16.12.2024. Petitioner put in appearance before the trial Court and filed his written statement on 30.04.2025. Replication to the written statement was filed by the respondent-plaintiff on 17.05.2025. Thereafter, the matter was sent for mediation to explore the possibility of an amicable settlement. However, the parties could not arrive at any amicable settlement. Issues were, therefore, framed on 02.07.2025. Evidence of the plaintiff was concluded on 17.10.2025 and the matter was posted for defendant's evidence for 21.11.2025. Eventually, by way of the impugned order dated 09.01.2026, the defence of the petitioner-defendant was struck off.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner put in appearance before the trial Court through his counsel and filed his written statement on 30.04.2025. He submits that thereafter the matter was sent for mediation. He further submits that the petitioner appeared on each and every date of hearing and only on 09.01.2026, the petitioner did not appear and his defence was struck off by order without any plausible and cogent reason.

5. He further submits that two effective opportunities be granted to the petitioner to conclude his evidence, failing which the rights of the petitioner shall be gravely prejudiced. Learned counsel submits that the trial Court took a hyper technical view and closed the defence of the petitioner-defendant by order.

6. I have considered the submissions made by learned counsel for the petitioner.

7. There would be no necessity of issuing notice to the respondent for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

8. Concededly, the matter was posted for evidence of the defendant on 21.11.2025. On 07.01.2026, after a couple of opportunities, his defence was struck off. The trial Court, in the considered opinion of this Court showed little haste in closing the evidence. This Court is of the opinion that the impugned order is not sustainable. It has to be borne in mind that cases should be decided on merits and not on mere technicalities. In the considered opinion of this Court, rights of the petitioner would be gravely prejudiced if he is not permitted to conclude his evidence. Accordingly, this Court deems it appropriate to grant two effective opportunities to the petitioner to conclude his evidence, as per the time schedule to be fixed by the trial Court.

9. That being so, the revision petition is allowed and the impugned order dated 09.01.2026 (Annexure P-6) passed by the Court of Civil Judge (Jr. Divn.), SAS Nagar, Mohali, vide which the defence of the petitioner-defendant was struck off, is set aside. Two effective opportunities are granted to the petitioner to conclude his evidence.

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

(VIKRAM AGGARWAL)
JUDGE

May 08, 2026
vcgarg

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