



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

CR-4042-2026

Date of Decision: 13.05.2026

HARSIMRIT KAUR AND ANOTHER

..... Petitioners

VERSUS

PAVANJEET SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. S.S. Narula, Senior Advocate with
Mr. Sandeep Sharma, Advocate for the petitioners.

YASHVIR SINGH RATHOR, J. (Oral)

1. This revision petition is directed against the order dated 11.07.2025 (Annexure P-1) passed by the Court of learned Civil Judge (Junior Division), Chandigarh, vide which the defence of petitioners/defendants No.1 and 3 was struck off as well as the order dated 23.03.2026 (Annexure P-2), vide which the application filed by the petitioners under Section 151 CPC for recalling the order dated 11.07.2025 has been dismissed.

2. Before proceeding further, the impugned order dated 11.07.2025 is reproduced as under:-

“Today the case was fixed for statement by defendants no. 1 and 3. Written statement not filed by defendants no 1 and 3. Adjournment is prayed. Heard. Perusal of case record transpires that defendants no. 1 and 3 have availed several opportunities to file written statement since 24.10.2024, however, failed to file the same. Sufficient opportunities have already been given. Therefore, defence of defendants no. 1 and 3 is hereby struck off. Now to come up on 28.08.2025 for filing replication and framing of issues.”



3. I have heard the learned counsel for the petitioners/ revisionists and have gone through the material on record.

4. Learned counsel for the petitioners/revisionists contended that a suit for declaration and rendition of accounts was instituted on 03.08.2024 regarding property bearing SCO No.170-171-172, Sector 17-C, Chandigarh. Petitioners appeared through their counsel on 24.10.2024. However, the respondents/plaintiffs had concealed a crucial fact from the Trial Court, namely the execution of a registered sale deed dated 05.08.2024, whereby the property in question was sold to ORNA Estate LLP. Learned Counsel further submitted that the petitioners could not file the written statement as they were not in possession of the said sale deed, which was withheld by the plaintiffs and they had to run from pillar to post to obtain a copy of the same. He contended that under these circumstances, the delay in filing the written statement was neither intentional nor deliberate, leading to the striking off of their defence on 11.07.2025(Annexure P-1). A prayer has been made that one opportunity be granted to file the written statement in the interest of justice.

5. A perusal of the record shows that from 24.10.2024 to 11.07.2025, the learned Trial Court had granted opportunities to the petitioners to file their written statement. The record further shows that on 11.07.2025, the written statement was not filed and consequently the defence of defendants No.1 and 3 was struck off. Subsequently, an application under Section 151 CPC was filed by the petitioners on 17.10.2025 for recalling the said order, which has been dismissed on 23.03.2026.



6. It is well settled that the Court must exercise discretion in exceptional cases to allow defendants to file written statement beyond the prescribed period of 90 days as the provision under Order VIII Rule 1 is directory and not mandatory. No doubt, there has been delay on the part of the petitioners in filing the written statement but this Court is of the view that the rules of procedure are handmaids of justice and should not be used to thwart the determination of a case on its merits, especially when valuable rights of a party are involved. A party should not be deprived of an opportunity to set up its defence to the claim of the plaintiffs solely on technical grounds if the opposite party can be compensated by way of costs.

7. Accordingly, in the interest of justice, one opportunity is granted to the petitioners/defendants to file their written statement, subject to payment of Rs. 5,000/- as costs. Consequently, the impugned orders dated 11.07.2025(Annexure P-1) and 23.03.2026(Annexure P-2) are hereby set aside.

8. In case, petitioners fail to file the written statement within two weeks or to pay the cost, no further adjournment shall be granted to them.

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

(YASHVIR SINGH RATHOR)
JUDGE

13.05.2026
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No