



CR No. 4103 of 2026 (O&M) -1-

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR No. 4103 of 2026 (O&M)
DATE OF DECISION: 18.05.2026

NIVAZ MOHD. AND OTHERS

.....PETITIONERS

Vs.

HASAN MOHD.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Farukh Abdullah, Advocate,
for the petitioners.

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 18.02.2026 (Annexure P-2), passed by the learned Civil Judge (Senior Division), Punhana, District Nuh, in Civil Suit No. 36 of 2023 titled as "*Hasan Mohd. vs. Niyaz Mohd. and another*", whereby the defence of the petitioners has been struck off.

2. Brief facts of the case are that the respondent-Hasan Mohd. had filed a suit for declaration and permanent injunction before the learned Civil Judge (Senior Division), Punhana, District Nuh, against the present petitioners and others. Notice of the said suit was issued to the present petitioners, who appeared through counsel. The impugned order dated 18.02.2026 (Annexure P-2) reveals that the petitioners failed to file the written statement and, consequently, their defence was struck off.

3. Learned counsel for the petitioners has contended that since valuable rights of the petitioners are involved in the adjudication of the



suit, one effective opportunity may be granted to them to file the written statement.

4. Heard.

5. Since the prayer made by learned counsel for the petitioners is innocuous in nature, issuance of notice to the respondent would unnecessarily delay the proceedings. Accordingly, issuance of notice to the respondent is dispensed with.

6. Keeping in view the above, and particularly the fact that valuable rights of the petitioners are involved in the adjudication of the suit, the present petition is allowed and the impugned order dated 18.02.2026 (Annexure P-2) is hereby set aside. The petitioners are directed to appear before the learned trial Court on the date already fixed, whereupon the learned trial Court shall grant one effective opportunity to the petitioners to file their written statement.

7. It is, however, made clear that the aforesaid order shall remain subject to deposit of costs of ₹5,000/- by the petitioners with the District Legal Services Authority, Nuh. A copy of the receipt regarding deposit of costs shall be produced by the petitioners before the learned trial Court.

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

MAY 18, 2026

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Whether Speaking

Whether Reportable

(AMARINDER SINGH GREWAL)

JUDGE

Yes

No