



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

CR-4308-2026

Date of Decision:21.05.2026

KIRPAL SINGH GHATTARODY AND ORS. ...PETITIONERS

Versus

MANJIT SINGH FLORA AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shubham Gupta, Advocate
Mr. D. P. Gupta, Advocate
Ms. Anchita Bhardwaj, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioners-defendant Nos.1 to 6 being aggrieved by impugned order dated 13.02.2026 (Annexure P-5) passed by learned Civil Judge (Junior Division) Jalandhar, whereby the defence of petitioners-defendant Nos.1 to 6 was struck off and by order dated 09.04.2026 passed by learned Civil Judge (Junior Division), Jalandhar (Annexure P-8) dismissing his application under Section 147 of CPC, 1908.

2. That respondent No.1-plaintiff had preferred a suit against petitioners-defendant Nos.1 to 6 seeking relief of permanent injunction restraining petitioners-defendant Nos.1 to 6 from interfering into alleged peaceful possession of respondent No.1-plaintiff in suit property. That petitioners-defendant Nos.1 to 6 were proceeded against ex parte vide order

dated 20.11.2024. Subsequently, petitioners-defendants filed an application for setting aside of ex parte order, which was allowed vide order dated 20.11.2024 subject to cost of Rs.500/-. The learned Trial Court had granted an opportunity to the petitioners-defendant Nos.1 to 6 to file their written statement, however, on failure to do so, their defence was struck off on 13.02.2026. Thereafter, an application under Section 148 read with Section 151 of CPC was preferred by petitioners-defendants No.1 to 6.

3. Learned Court had accordingly disposed of application preferred by petitioners-defendant Nos.1 to 6 under Section 148 read with Section 151 CPC, 1908 for extension of time to deposit cost and seeking permission to file written statement vide impugned order dated 09.04.2026.

4. On consideration, I do not find any error in the impugned order passed by learned Court below. The present situation has arisen on account of fault on the part of petitioners-defendant Nos.1 to 6. However, wherever the other side can be compensated with cost, the Courts prefer to allow the defaulted party to contest the suit on merits in order to achieve substantial justice. In present case also, since matter is still at the initial stage, it would be appropriate to grant one opportunity to petitioners-defendant Nos.1 to 6 to file their written statement subject to cost of Rs.50,000/- (Rupees Fifty Thousand only).

5. Accordingly, petitioners-defendant Nos.1 to 6 is directed to file their written statement on next date already fixed before the Court of First Instance i.e. 24.07.2026. Petitioners-defendant Nos.1 to 6 shall pay Rs.25,000/- (Rupees Twenty Five Thousands only) to respondent No.1-plaintiff and Rs.20,000/- (Rupees Twenty Thousands only) to District Legal Services Authority, Jalandhar. Order dated 13.02.2026 is accordingly

modified.

- 6. Present revision petition is disposed of in above terms.
- 7. Pending application(s), if any, stand disposed of.

21.05.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No