



CR-4698-2026

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

(129)

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Date of Decision:-29.05.2026

Sameer Monga

.....Petitioner

Versus

Shri Ram Ashram Public School

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ferry Sofat, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 18.08.2025 (*Annexure P-1*) passed by the learned Civil Judge (Junior Division), Amritsar whereby the defence of the petitioner-defendant was struck off due to non-filing of the written statement. A further prayer has been made for setting aside the impugned order dated 20.03.2026, whereby the learned Trial Court dismissed the review application filed by the petitioner seeking opportunity to file the written statement.

2. Briefly stated, the respondent/plaintiff had filed a civil suit for recovery against the petitioner/defendant. Upon notice, the petitioner appeared before the learned Trial Court. Vide order dated 18.08.2025, the



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learned Trial Court struck off the defence of the petitioner/defendant on the ground of non-filing of the amended written statement. Subsequently, the application filed by the petitioner seeking an opportunity to file the written statement was dismissed by the learned Trial Court vide order dated 20.03.2026. Hence, the present petition.

3. Learned counsel for the petitioners submits that the petitioner were not afforded an adequate and reasonable opportunity to file the written statement. It is argued that the lapse on the part of the petitioner was neither deliberate nor intentional and that filing of the written statement is essential for proper adjudication of the case. It is contended that striking off the defence of the petitioner at this stage would cause grave prejudice to his rights. Learned counsel, therefore, prays that one final opportunity be granted to the petitioner to file the amended written statement in the interest of justice.

4. I have heard learned counsel for the petitioner and perused the paper book.

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as the same would only delay the proceedings and cause unnecessary expense.

6. Having considered the submissions made by learned counsel for the petitioner and upon perusal of the record, this Court is of the opinion that the learned Trial Court has adopted an overly strict approach in striking off the defence of the petitioner.



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7. Considering the submissions made by learned counsel for the petitioners and keeping in view that valuable rights of the petitioner are involved in the present case, the present petition is allowed, without commenting upon the merits of the case. The impugned orders dated 18.08.2025 and 20.03.2026, passed by the Civil Judge (Junior Division), Amritsar, are hereby set aside, subject to payment of costs of ₹5,000/- to be deposited by the petitioners with the District Legal Services Authority, Amritsar.

8. The petitioners shall appear before the learned Trial Court on the date already fixed or on a date to be fixed by the Trial Court and, upon production of the receipt regarding deposit of costs, the Trial Court shall grant one effective opportunity to the petitioner for filing the written statement. It is made clear that no further opportunity shall be granted.

9. The Registry is directed to forward a copy of this order to the learned Civil Judge (Junior Division), Amritsar, for compliance.

10. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

29.05.2026
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No