



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

CR-4694-2026

Date of Decision:29.05.2026

BHAGA

...PETITIONER

Versus

CHARAN SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of the Constitution of India by the petitioner-defendant being aggrieved by order dated 17.01.2023 (Annexure P-1) passed by learned Additional Civil Judge, (Senior Division), Loharu whereby her defence was struck off for not filing written statement despite repeated opportunities and passing of more than 90 days from first appearance.

2. Learned counsel for the petitioner-defendant submits that petitioner-defendant is a 82 years old lady her counsel had not informed her about the Court proceedings and it was recently after engaging a new counsel that she came to know about order dated 17.01.2023 whereby her defence was struck off.

3. It is asserted that despite the fact that matter was fixed for plaintiff's evidence on 11.04.2023 and thereafter, more than thirteen dates have passed and till date, plaintiff has not examined a single witness, despite last opportunity been given to plaintiff. It is asserted that no prejudice would

be caused to plaintiff if one opportunity is granted to petitioner-defendant.

4. On consideration, I do not find error with the impugned order dated 17.01.2023 passed by learned Court below. The present situation has arisen on account of fault on the part of petitioner-defendant. However, wherever, the other side can be compensated with cost, the Courts prefer to allow the defaulted party to contest the *lis* on merits in order to achieve substantive justice. In the present case also, since suit is at initial stage and the plaintiff had not examined a single witness, it would be appropriate to grant one opportunity to petitioner-defendant to file their written statement subject to cost of Rs.75,000/- (Rupees Seventy Five Thousand Only).

5. Accordingly, petitioner-defendant is directed to file written statement on next date already fixed before the learned Court of First Instance i.e. 01.07.2026 and no further opportunity would be granted. Petitioner-defendant shall pay Rs.35,000/- to respondent-plaintiff and Rs.40,000/- to District Legal Service Authorities, Bhiwani. Order dated 17.01.2023 is accordingly modified to above extent.

6. Present revision petition is disposed of in above terms.

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

29.05.2026

Ravinder

(PARMOD GOYAL)
JUDGE

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