



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

166

CR-4800-2026

Date of decision: 01.07.2026

Mohan Singh

. . . . Petitioner

Vs.

Gurjit Singh

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Usha Rani, Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is defendant in Civil Suit bearing *CS/351/2023* title *Gurjit Singh Vs. Mohan Singh*, pending before learned Additional Civil Judge (Sr. Division), Panchkula.

2. By way of this petition, petitioner has assailed the order dated 29.07.2024 (Annexure P6), whereby his defence was struck off and at the same time since nobody had made appearance on behalf of the defendant-*petitioner herein*, he was also proceeded against *ex parte*.

3. Learned counsel contends that by way of the impugned order, the petitioner was also proceeded against *ex parte*, therefore, an application was moved for setting aside the *ex parte* proceedings on 24.10.2024, which was allowed by the Court on 22.04.2026 (Annexure P10) and he was permitted to participate in the further proceedings.

4. Learned counsel submits in these circumstances, the petitioner be also permitted to file written statement by setting aside the order whereby his defence was struck off.

5. Perusal of the paper-book would reveal that petitioner had put in appearance before the trial Court on 25.07.2023 through his counsel as is evident from Annexure P2. Till 29.07.2024, the matter remained pending i.e. for about one year and defendant-petitioner herein did not file written statement. It was in these circumstances that his defence was struck off and

he was proceeded against ex parte as even the counsel for the petitioner did not appear. Even otherwise, petitioner has taken almost two years in moving the present petition for setting aside the order dated 29.07.2024, whereby his defence was struck off.

6. Having noticed the aforesaid circumstances, this Court does not find any justification for setting aside the impugned order dated 29.07.2024 (Annexure P6) as the delay on the part of the petitioner appears to be deliberate.

Dismissed.

01.07.2026

Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No