

2026:PHHC:068746



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

**CR-4853-2023 (O&M)
Decided on:-04.05.2026**

Simran and others

....Petitioners.

VS.

Kaushalya Bhatnagar and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vipin Kumar Sharma, Advocate,
for the petitioners.

Mr. Nikhil Chopra, Advocate,
Ms. Trishanjali, Advocate and
Mr. Jatin Verma, Advocate,
for respondent No.3.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 19.07.2023 (Annexure P-9) passed by the learned Civil Judge (Junior Division), Jalandhar, whereby, respondent No.3 was permitted to file his written statement.

2. Briefly, on 15.10.2022, the petitioners-plaintiffs filed a suit for permanent injunction restraining the respondents-defendants or their agents, attorney nominees, assignees, servants, relatives etc. from interfering in the peaceful possession of petitioners-plaintiffs over the subject property bearing House No.151, Gali No.4, Sudarshan Park, Maqoodan, Jalandhar.

Upon service, respondents No.1 and 3 appeared before the trial Court on 31.10.2022, however, failed to submit their written statement thereby resulting into passing of the order dated 18.05.2023 by learned Civil Judge (Junior Division), Jalandhar, whereby, their defence was struck off. Later, on the next date of hearing i.e. on 19.07.2023, the learned trial Court, however, permitted respondent No.3 to file his written statement.

3. Grouse of the petitioners is that without laying any challenge to the order dated 18.05.2023, respondent No.3 could not have been permitted to file his written statement and the learned trial Court committed an illegality while taking the same on record. Hence, the present petition.

4. I have heard learned counsel for the parties and gone through the paper book.

5. A perusal of record shows that the order dated 18.05.2023 passed by the learned trial Court, whereby, the defence of respondents No.1 and 3 was struck off never came to be challenged. However, on the next date of hearing i.e. 19.07.2023, respondent No.3 was permitted to file his written statement before the learned trial Court.

5.1 Apparently, in the absence of any application filed on behalf of respondent No.3 for recalling of the previous order dated 18.05.2023, whereby, the defence of respondents No.1 and 3 was struck off, the learned trial Court ought not to have permitted respondent No.3 to file his written statement merely on his oral request. However, keeping in view the fact that the order dated 19.07.2023 was passed in the presence of learned counsel representing the petitioners-plaintiffs, who never opposed the acceptance of written statement filed on behalf of respondent No.3-defendant No.3.

Besides it, taking into account the fact that almost 3 years have elapsed, it

may not be appropriate at this belated stage to interfere with the order dated 19.07.2023 passed by the ld. Trial Court whereby, the written statement on behalf of respondent No.3 was taken on record as the same would even otherwise grant an opportunity to the respondent No.3-defendant No.3 to put forth his defence in the suit.

6. In view of the aforesaid circumstances as well as in the interest of justice, no interference is thus called for in the impugned order dated 19.07.2023 passed by the learned trial Court. However, considering the facts and circumstances of the present case, respondent No.3 is burdened with costs of Rs.20,000/- to be paid to the petitioners before the learned Trial Court on the date fixed for appearance; towards delay in trial.

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

04.05.2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No