



CR-9731-2025

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

(126)

CR-9731-2025(O&M)
Date of Decision:-19.01.2026

Ashok Kumar

.....Petitioner

Versus

Satish Kumar and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Ramandeep Kaur Brar, Advocate, and
Mr. Bhupender Singh, Advocate
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

CM-506-CII-2026

The application for placing on record copy of plaint as Annexure P-6, with the petition, is allowed, as prayed for. The aforesaid document is taken on record as Annexure P-6, subject to all just exceptions. Office to tag the same at appropriate place.

CR-9731-2025

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 12.08.2024/07.09.2024 (*Annexure P-6*) passed by the learned Civil Judge (Junior Division), Panipat whereby the defence of the petitioner-defendant was struck off due to non-filing of the written statement as well as non-



CR-9731-2025

deposition of costs.

2. Briefly, the facts are that the respondents-plaintiffs instituted a suit for partition against the petitioner. On 16.04.2024, the petitioner/defendant appeared before the learned Trial Court for the first time. Vide order dated 12.08.2024/07.09.2024, the learned Trial Court struck off the defence of the petitioner on the ground of non-filing of the written statement as well as non-deposition of costs.

3. Learned counsel for the petitioner submits that the petitioner was not afforded adequate and reasonable opportunity to file the written statement. He further submits that the written statement could not be filed as the matter had been compromised between the parties, and this fact was duly brought to the notice of the learned trial Court by placing the compromise dated 05.07.2024 (Annexure P-5) on record. It is contended that striking off the petitioner's defence at this stage would cause grave prejudice to his rights and adversely affect the fair trial of the case. Therefore, for proper adjudication of the matter and in view of the valuable rights involved, it is necessary to grant one effective opportunity to the petitioner to file the written statement.

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

5. After hearing learned counsel for the petitioner and upon perusal of the case record, this Court is of the considered view that, since valuable rights of the petitioner are involved in the present case, it would be in the interest of justice to grant one effective opportunity for filing of



CR-9731-2025

written statement in the suit pending before the learned trial Court.

6. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 12.08.2024/07.09.2024 (*Annexure P-6*), passed by the learned Civil Judge (Junior Division), Panipat, is hereby set aside, subject to payment of costs of Rs.5,000/-, to be deposited by the petitioner in the District Legal Services Authority, Panipat.

7. The petitioner shall appear before the learned trial Court on the date fixed and on his production of receipt qua deposition of costs, the trial Court shall grant one effective opportunity to the petitioner for filing of written statement.

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

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

(AMARINDER SINGH GREWAL)
JUDGE

19.01.2026
Shubham

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