

CR-5979-2025(O&M)

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2026:PHHC:080490



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5979-2025(O&M)

Date of decision : 21.05.2026

Sukhwinder Singh

... Petitioner

Versus

Gurdeep Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Harmanpreet Singh, Advocate and
Mr.Samanpreet Singh, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.07.2024 (Annexure P-8) passed by the trial Court vide which the defence of the defendant has been struck off.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner was arrested on 22.07.2024 in FIR no.151 of 2024 registered at Police Station Jandiala, District Amritsar and thus, failed to file the written statement on 30.07.2024, on which date the defence of the petitioner was struck off. It is further submitted that a perusal of the order dated 02.11.2023 would show that the application filed by the petitioner for vacating ex-parte ad-interim injunction dated 01.04.2023 passed in favour



of the plaintiff-respondent was dismissed. It is further submitted that subsequent to the passing of the impugned order, the case was fixed for the evidence of the respondent-plaintiff but no evidence was produced by the respondent-plaintiff on 24.03.2025, 15.11.2025, 23.12.2025, 06.02.2026 and it was only on 10.03.2026 that one PW Varinder Singh was present, who had tendered his affidavit in the examination in chief. It is submitted that a perusal of the zimni order dated 10.03.2026 would show that it was stated on behalf of both the parties that there exist elements of settlement between the parties and the case was referred to the Mediation Centre and even now the case is listed before the Mediation Centre and the next date is now fixed as 02.07.2026. The zimni orders from 15.11.2025 upto 30.04.2026 have been handed over to the Court during the course of arguments, which are taken on record as Mark A. It is submitted that from the said facts, it is apparent that the case is at its initial stage and it is further submitted that in case the petitioner is not permitted to file the written statement, then, irreparable loss would be caused to the petitioner. It is submitted that the petitioner is ready to compensate the respondent for the inconvenience caused to the respondent.

3. Notice was issued to the respondent in the present petition. The respondent has been served. None has appeared on behalf of the respondent to oppose the present revision petition.

4. Keeping in view the above said facts and circumstances, moreso, the fact that after passing of the order dated 30.07.2024, on several



dates no witness of the plaintiff was present and only in examination-in-chief, the affidavit of PW-1 has been tendered and the matter is now pending before the Mediation Centre and the report of the Mediator is awaited for 02.07.2026, thus, this Court is of the opinion that the petitioner should be granted one last opportunity to file the written statement.

5. Accordingly, the present petition is allowed and the order dated 30.07.2024 is set aside and the petitioner is granted one last opportunity to file the written statement within a period of three weeks from today by moving an application before the trial Court and placing on record the said written statement. The petitioner would also deposit an amount of Rs.30,000/- as costs within the aforesaid period of three weeks, which amount would be released by the trial Court to the respondent.

6. It is made clear that in case the written statement is not filed and the cost is not deposited within the aforesaid period, then, the present petition shall be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

May 21, 2026.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No