

2026.PHHC.027416



CR-8647-2025

Date of Decision:20.02.2026

SWARAN SINGH AND ANOTHER

...Petitioners

Vs.

RESHAM SINGH AND ORS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ilyas Khan, Advocate for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 06.08.2025. (Annexure P-6) passed by learned Additional Civil Judge (Senior Division), Dera Bassi, whereby the defence of the petitioners/defendant Nos. 4 and 5 has been struck off.

2. Briefly, the Respondent/Plaintiff filed a Civil Suit for possession, declaration, and injunction in respect of 1 bigha 5 biswas of land in Village Mehmadpur, Hadbast No. 35, Tehsil Derabassi, District SAS Nagar, Punjab, alleging that the sale deeds executed in favor of the petitioners were illegal, as full consideration had been paid to defendant No. 1. The learned Additional Civil Judge (Sr. Division), Derabassi, by order dated 21.12.2024, restrained the petitioners from alienating or encumbering the property and directed them to file written statements. Despite repeated opportunities on 19.02.2025, 19.05.2025, 10.07.2025, and 06.08.2025 (the last subject to a cost of Rs. 200/- deposited in DLSA), the petitioners failed to file their written statements and replies. Consequently, on 06.08.2025, the defense of the petitioners as well as defendant No. 1 was struck off.



3. Under the provisions of Order 8, Rule 1 of the CPC, a period of 30 days is prescribed from the date of service of notice for filing a written reply, which may be extended up to 90 days in appropriate cases. However, this period is not sacrosanct or mandatory, and further time may be granted in exceptional cases where the respondent is unable to file the reply for reasons beyond her control, subject to recording of such reasons. The present case, however, does not fall within this category. Consequently, there is no illegality or infirmity in the order passed by the learned Additional Civil Judge (Senior Division), Dera Bassi.

4. In the present case, the petitioners have not filed their written reply even after a considerable period of time from the date of appearance. Considering the interest of justice and in order to allow the parties to contest the petition on its merits, the petitioners are granted one final opportunity to file the written statement, subject to payment of costs amounting to Rs.50,000/-, of which Rs. 10,000/- shall be deposited in the account of the District Legal Services Authority, Dera Bassi, and the remaining amount of Rs. 40,000/-shall be paid to the respondents/plaintiffs.

5. In view of the above, the present petition is disposed of. Pending applications, if any, shall also stands disposed of.

(VIRINDER AGGARWAL)
JUDGE

20.02.2026

kv

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