



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

(114)

CR-8655-2025(O&M)**Date of Decision:-21.01.2026****Gagandeep Chawla****.....Petitioner****Versus****Manseerat Chawla and others****.....Respondents*****CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL***

Present: Mr. M.S. Bhatti, Advocate for
Mr. Madhup Munjal, Advocate for the petitioner.

*********Amarinder Singh Grewal, J. (Oral)**

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 24.10.2025 passed by the learned Civil Judge (Junior Division), Jalalabad, whereby the application filed by the petitioner has been dismissed and defence of the petitioner was struck off due to non-filing of the written statement.

2. Briefly, the facts of the case are that the respondents/plaintiffs instituted a suit for declaration against the present petitioner and others, seeking a declaration to the effect that, notwithstanding anything contained to the contrary in the record of rights or title, the properties mentioned in the plaint are ancestral, coparcenary and Joint Hindu Family properties of the plaintiffs and defendants No. 1 and 2. Notice of the said suit was issued to the defendants, who appeared through their counsel and sought time to file the written statement. However, as per the interim order dated 25.07.2025, despite being granted the last opportunity, the defendants failed



to file the written statement. Observing that the defendants had availed numerous opportunities and had not shown any justification for further indulgence, the learned trial Court struck off their defence and adjourned the matter for the plaintiffs' evidence.

3. Thereafter, an application was moved by the petitioners/defendants for setting-aside the order dated 25.07.2025 but the same was dismissed by holding that the petitioners/defendants have failed to file the written statement within the statutory period of 90 days.

4. Learned counsel for the petitioner submits that due to one or the other reasons, the petitioner/defendants through their counsel could not file the written statement. He further submits that striking off the petitioners' defence at this stage would cause grave prejudice to their rights and adversely affect the fair trial of the case. Thus, for proper adjudication of the matter and in view of the fact that valuable rights of the petitioners are involved, it is necessary to grant one effective opportunity to the petitioners for filing of written statement.

5. I have heard learned counsel for the petitioners and perused the paper book.

6. In view of the order proposed to be passed, notice is not being issued to the respondents as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

7. 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



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

8. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 24.10.2025 passed by the learned Civil Judge (Junior Division), Jalalabad, is hereby set aside, subject to payment of costs of Rs. 5,000/-, which will be paid to the respondents/plaintiffs.

9. The petitioner shall appear before the learned trial Court on the date fixed and on his production of proof qua payment of the costs to the respondents/plaintiffs, the trial Court shall grant one effective opportunity to the petitioner for filing of written statement.

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

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

21.01.2026
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(AMARINDER SINGH GREWAL)
JUDGE

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