



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

CR-8778-2025

Date of Decision: 12.01.2026

SHRI GANPATI SEWA SOCIETY AND ANR

....Petitioners

Versus

JATINDER MAHINDRU AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioners.

Parmod Goyal, J. (Oral)

Petitioners/defendants No.1 and 2 are aggrieved by impugned order dated 06.11.2025, passed by Court of learned Civil Judge (Junior Division), Ludhiana, vide which defence of petitioners/defendants No.1 and 2 was struck off.

2. It was asserted that petitioners/defendants No.1 and 2 be granted one opportunity after ensuring adequate compliance of order dated 20.05.2023.

3. Admittedly, plaintiff/respondent No.1 had filed a suit for permanent injunction seeking to restrain petitioners/defendants No.1 and 2 from withdrawing any amount from saving bank account as well as FDR maintained with defendant No.3. On 06.10.2022 along with plaint an application under Order XXXIX Rule 1 and 2 CPC read with Section 151 CPC was also filed. Vide order dated 07.10.2022, the Court decided not to



grant *ex parte* stay order without hearing opposite side and had issued notice to defendants. On 18.10.2022 all the respondents had appeared through their counsels and matter was adjourned to 01.11.2022 for filing power of attorney on behalf of defendants No.1 & 2, for written statement and to file reply to stay application. On 01.11.2022, learned counsel for defendant No.3 moved an application seeking direction to plaintiff to produce on record the original documents. Copies were duly supplied and case was adjourned for filing reply as well as for arguments.

4. The application preferred by respondent No.3 for production of documents was disposed of vide order dated 16.11.2022, wherein plaintiff had submitted that demanded documents by the bank are in possession of petitioner/defendant No.2 who is President of defendant No.1-Society and plaintiff is not in possession of documents. The application was accordingly disposed of and matter was adjourned to 05.12.2022 for filing written statement by all the defendants. Matter remained pending for filing written statement and reply to stay application on 05.12.2022. On 05.12.2022, learned counsel on behalf of petitioners/defendants No.1 and 2 had moved an application for production of original documents. The matter was adjourned to 05.01.2023 and on said date written statement on behalf of defendant No.3 was filed and matter was adjourned for filing reply to application preferred by petitioners/defendants No.1 and 2 for production of documents as well as for filing reply to other pending applications. Then, the matter was taken up on 24.01.2023 when reply to application to production of documents was filed.



5. It was noted that similar application filed by defendant No.3 stands disposed of on 16.11.2022, therefore, no fresh order is required to be passed. It was further noticed that though defendant No.3 has filed reply, however, defendants No.1 & 2 were yet to file written statement and accordingly, matter was adjourned to 02.02.2023 for filing written statement by petitioners/defendants No.1 and 2. On 02.02.2023, again written statement was not filed by petitioners/defendants No.1 and 2 and application for striking the defence of defendants was moved by plaintiff. The matter was adjourned to 23.02.2023. It is worth noticing that on 02.02.2023, defendant No.3 had also filed reply to one application which was clarified that the same was filed against application preferred by plaintiff under Order XXXIX Rule 1 and 2 CPC by learned counsel for defendant No.3 on 23.02.2023.

6. On 06.03.2023, it was informed that defendant No.2 has since died and accordingly, matter was adjourned for impleading LRs of defendant No.2. Thereafter, matter was taken up on 11.04.2023. Matter was adjourned for filing reply to application filed by defendant No.1 for supplying the documents and also for impleading LRs of defendant No.2 and was adjourned to 25.04.2023. The matter remained pending for the same cause till 20.05.2023. On 20.05.2023, reply to application for production of documents filed by defendant No.1 was filed by plaintiff. Copy was supplied to learned counsel for petitioners/defendants No.1 and 2. In reply it was specifically mentioned that required documents like bank details and fixed deposit details are attached with the application. After considering



application as well as reply by plaintiff, the Court vide order dated 20.05.2023 directed plaintiff to supply copies of all the documents relied upon by him to defendant No.1 on the next date of hearing i.e. 12.07.2023.

7. The matter remained pending for supplying documents on 12.07.2023, 25.07.2023, 09.08.2023, 06.09.2023, 07.10.2023 and 08.11.2023. On 08.11.2023, Prince Sharma, President of defendant/Society was impleaded as party. Thereafter, matter remained pending on 02.12.2023 and 03.01.2024 for filing amended title as well as supply of documents. On 03.01.2024, petitioners/defendants No.1 and 2 made the statement that they have received documents and that matter was fixed for filing written statement by defendants and also to file reply to stay application and amended title. The matter was taken up on 22.02.2024 and matter was simply adjourned for amended title which was to be filed by petitioners/defendants No.1 and 2 and for filing written statement and reply to stay application. Again on adjourned date i.e. 30.03.2024, matter was again adjourned for filing written statement, reply to stay application and amended title. On 18.04.2024, amended title was filed, notice was issued to defendant No.2 and it was ordered that documents, if any, if are not supplied by plaintiff as per order dated 08.11.2023 be also supplied. Matter remained for the same proceedings on 20.05.2024, 18.07.2024, 22.08.2024, 08.10.2024 and 27.11.2024 and similar orders were passed on all these dates noting that *notices to defendant No.2 have not been issued, fresh notices be issued and documents be supplied by plaintiff as per order dated 08.11.2023.*



8. On 15.01.2025 Ms. Sunpreet Kaur, Advocate had appeared for defendant No.1 and had filed her memorandum of appearance and matter was adjourned for supply of documents and for filing written statement and reply to stay application. Similar order was passed on 24.02.2025, 27.03.2025, 02.05.2025 and matter was adjourned to 02.07.2025. It is worth noticing that on 09.07.2025 matter stood transferred to another Presiding Officer and matter was taken by new Presiding Officer and on 02.07.2025 power of attorney on behalf of petitioners/defendants No.1 and 2 was filed. Statement of learned counsel for plaintiff was noted that all the documents had already been supplied to defendant No.3 and matter was adjourned to 06.08.2025 for filing of written statement on behalf of petitioners/defendants No.1 and 2 subject to last opportunity. Again on the adjourned date i.e. 06.08.2025, written statement was not filed. The matter was again adjourned for filing written statement subject to final opportunity but again on 08.09.2025, written statement was not filed and adjournment was requested by Clerk of learned counsel for defendants No.1 & 2 and matter was again adjourned to 14.10.2025, subject to last final opportunity. On the adjourned date i.e. 14.10.2025 super last and final opportunity was granted for filing written statement as well as for filing reply to application under Order XXXIX Rule 1 & 2 CPC. Matter was again adjourned to 06.11.2025. Learned Presiding Officer noted that no reply has been filed by petitioners/defendants No.1 and 2. It took note of the fact that documents were duly supplied and counsel for petitioners/defendants No.1 and 2 had admitted having received the documents on 03.01.2024 and despite that no



written statement has been filed and struck off the defence of petitioners/defendants No.1 and 2.

9. Learned counsel for petitioners/defendants No.1 and 2 has argued that it is plaintiff/respondent No.1 who is at fault for not supplying the documents which were ordered to be supplied by the Court vide its order dated 20.05.2023 and since there was delay on the part of plaintiff, therefore, without supplying documents the defence of petitioners/defendants No.1 and 2 has wrongly been struck off. It is submitted that learned counsel for petitioners/defendants No.1 and 2 has not made any statement on 03.01.2024 and subsequent orders clearly show and the case was fixed for supplying of documents by the plaintiff.

10. On consideration of contentions raised by learned counsel for petitioners/defendants No.1 and 2 in the light of proceedings noted in previous paras, it is clearly made out that petitioners/defendants No.1 and 2 have deliberately not filed written statement and have been avoiding filing the written statement on one pretext or the other. On 03.01.2024, the Court has clearly noticed statement of petitioners/defendants No.1 and 2 that documents have been supplied. Thereafter, the matter remained pending for filing of written statement, reply to stay application and amended title for 22.02.2024 and 30.03.2024. In the said orders, there is no reference or direction to plaintiff to supply documents as they stood supplied on 03.01.2024. It was in order dated 18.04.2024 till orders passed by new Presiding Officer on 02.07.2025. It was noticed that documents, if not supplied by plaintiff as per order dated 08.11.2023, be also supplied. Similar



order was passed on all the dates from 18.04.2024 till 02.07.2025. Again w.e.f. 02.07.2025, the Presiding Officer had noticed that documents stand supplied and had directed petitioners/defendants No.1 and 2 to file their written statement and reply. Last and final opportunities were granted on 02.07.2025, 06.08.2025, 08.09.2025, 14.10.2025 and 06.11.2025. It is worth mentioning that on none of the dates petitioners/defendants No.1 and 2 or their counsel had objected to grant of last and final opportunity by the Court without there being any reference to supply documents to them by plaintiff. Similarly, order dated 03.01.2024 was never challenged by defendants except by way of present revision petition in November/December 2025.

11. From the gist of proceedings before the Court of First Instance, it is clearly made out that plaintiff want to take advantage of observations made by Court that documents be supplied, if not supplied as per order dated 08.11.2023 without taking care of the fact that documents were duly supplied on 03.01.2024 and this fact was duly noted by the Court on 03.01.2024. Thereafter, on two dates matter was fixed for filing of written statement and reply and subsequently before evidence was closed, five more dates were granted to file written statement and reply, however, neither any objection was raised by petitioners/defendants No.1 and 2 regarding non-supply of documents nor written statement was filed. It seems that learned Presiding Officers have been passing zimini orders in a casual manner giving rise to ambiguity and unnecessary excuse to defendants.

12. Keeping in view the facts and circumstances of the present case, I find it appropriate to grant one final opportunity to file written statement as



well as reply to application under Order XXXIX Rule 1 & 2 CPC to petitioners/defendants No.1 and 2 on the next date of hearing i.e. 17.02.2026 without any fail, subject to cost of Rs.1,00,000/- (Rupees One Lakh). Out of the total cost Rs.25,000/- shall be paid to plaintiff and remaining amount of Rs.75,000/- be deposited with District Legal Services Authority, Ludhiana. It is made clear that the stay application under Order XXXIX Rule 1 & 2 CPC shall be decided expeditiously by taking the case on day to day basis within a period of 30 days from 17.02.2026. Petition is disposed of with above directions.

12.01.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No