



CM-11586-CII-2026 in/and CR-4629-2026

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

(116)

CM-11586-CII-2026 in/and CR-4629-2026
Date of Decision:-29.05.2026

The Ludhiana Improvement Trust

.....Petitioner

Versus

Irvinder Pal Singh and Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Abhilaksh Gaind, Advocate
for the petitioner.

Mr. Himanshu Raj, Addl. AG, Punjab (through VC)

AMARINDER SINGH GREWAL, J. (Oral)

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This is an application for condoning the delay of 133 days in re-filing the appeal.

In view of the averments made in the application, the same is allowed and delay of 133 days in re-filing the appeal, is condoned.

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1. The present petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 07.10.2022 (Annexure P-3), passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the petitioner was barred from filing the written statement.



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2. Briefly stated, the facts are that respondent No.1-plaintiff instituted a suit for mandatory injunction against the petitioner seeking amendment, correction and rectification of the allotment letter dated 19.03.2015. On 04.05.2022, the petitioner/defendant No.1 appeared before the learned trial Court for the first time. Thereafter, vide order dated 07.10.2022, the learned trial Court ordered that in view of the provisions of Order VIII CPC, defendant No.1 stood barred from filing the written statement.

3. Learned counsel for the petitioner submits that the petitioner was not afforded adequate and reasonable opportunity to file the written statement. It is contended that barring the petitioner from filing the written statement at this stage would cause grave prejudice to his rights and adversely affect the fair adjudication of the case. It is further contended that, for proper adjudication of the matter and in view of the valuable rights involved, one effective opportunity deserves to be granted to the petitioner for filing the written statement.

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

5. In view of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as the same would delay the proceedings besides entailing additional expenses.

6. 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, it would be in the interest of



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justice to grant one effective opportunity to the petitioner for filing the written statement in the suit pending before the learned trial Court.

7. Accordingly, the present petition is allowed without commenting upon the merits of the case. The impugned order dated 07.10.2022, passed by the learned Civil Judge (Junior Division), Ludhiana, is hereby set aside, subject to payment of costs of ₹5,000/-, to be deposited by the petitioner with the District Legal Services Authority, Ludhiana.

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

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

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

(AMARINDER SINGH GREWAL)
JUDGE

29.05.2026
Shubham

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