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

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Date of Decision: 28.01.2026

Harjit Kaur

...Petitioner

Versus

Harbant Singh Gill and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Abhinav Goel, Advocate, for the petitioner.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 19.11.2025 (Annexure P-19), passed by the learned trial Court, Chandigarh, whereby, an application filed under Order 9 Rule 7 CPC has been dismissed.

2. Brief facts of the case are that respondent No.8/plaintiff had filed a suit for declaration to the effect that the Will dated 25.08.2006 and Will dated 10.08.2009 allegedly executed by Harchand Singh Gill son of Sant Singh bequeathing the suit property and further sought declaration to the effect that transfer of SCO No.206, Sector 36/D, Chandigarh on the basis of Will dated 10.08.2009 allegedly executed by Harchand Singh Gill was illegal, invalid etc. and also sought relief of permanent injunction restraining the defendant No.3 to 6 from selling, gifting and alienation etc. of the suit property. Notice of the said suit was given to the petitioner/defendant but she never appeared in the proceedings and



consequently she was proceeded against ex-parte vide order dated 03.12.2021. Thereafter, during the pendency of the suit, petitioner moved an application under Order 9 Rule 7 CPC for setting aside the ex-parte order dated 03.12.2021 but the same was dismissed vide order dated 19.11.2025.

3. Learned counsel for the petitioner contends that since the valuable rights of the petitioner are involved in getting the suit decided as son of the petitioner was beneficiary in the Will who has expired and as such, petitioner may be given one effective opportunity to defend her case.

4. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceeding and cause unnecessary expenditure to the respondents.

5. I have heard learned counsel for the petitioner and has gone through the paper book.

6. In view of the above and considering the fact that the case should be decided on merits after hearing all the parties, present revision petition is allowed and petitioner is directed to appear before the learned Civil Judge (Jr. Divn.), Chandigarh on the date fixed and thereafter, the learned Civil Judge (Jr. Divn.), Chandigarh is directed to afford one effective opportunity to the petitioner to file the written statement subject to payment of costs of Rs.5,000/-to be deposited with concerned District Legal Services Authority.



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7. Pending applications, if any, shall stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

28.01.2026

anil

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