



126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3295-2026 (O&M)

Date of Decision: 20.04.2026

RAJWINDER SINGH

...Petitioner

Vs.

GURMEET KAUR AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Angel Walia, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 17.02.2026 passed by the learned Additional Civil Judge (Senior Division), Tarn Taran, whereby the application under Section 151 CPC for recall of the order dated 29.10.2025 has been dismissed, and further seeking setting aside of the order dated 29.10.2025, whereby the defence of the petitioner/Defendant No. 3 was struck off.

2. Learned counsel for the petitioner submits that non-filing of the written statement was neither intentional nor deliberate but occurred due to *bona fide* and unavoidable circumstances, inasmuch as on 13.10.2025 the counsel for the petitioner had filed an application under Order VII Rule 14 CPC for placing essential documents on record, which was neither taken on record nor reflected in the *zimni* order, and no directions were passed thereon, thereby creating a *bona fide* impression that the matter was pending consideration of the said application and that further proceedings, including filing of the written statement, would follow only thereafter; it is further



submitted that the order dated 13.10.2025 was not available on the e-Courts portal and even otherwise did not record the filing of the said application, leading to confusion regarding the stage of proceedings, and in the absence of clarity and effective opportunity, the petitioner, acting in good faith and on legal advice, could not file the written statement within time, yet the learned Trial Court, without considering the pendency of the said application and without affording a meaningful opportunity, proceeded to strike off the defence of the petitioner vide order dated 29.10.2025 in a mechanical manner, causing grave prejudice and resulting in miscarriage of justice.

3. Persual of the order dated 29.10.2025 reveals that learned Trial Court, after duly considering the conduct of defendants No. 1 and 3, rightly proceeded to pass the order as it is evident from the record that repeated and sufficient opportunities had been granted for filing of the written statement, including a last opportunity subject to costs, which were neither complied with nor honored by the said defendants; despite clear directions and the lapse of the statutory period prescribed under the Code of Civil Procedure, the defendants failed to take necessary steps to place their defence on record, thereby causing delay in the proceedings; in such circumstances, the learned Trial Court, in exercise of its discretion and in order to ensure expeditious disposal of the suit, rightly struck off the defence of Defendants No. 1 and 3 and proceeded to list the matter for plaintiff's evidence, and the said order reflects proper application of mind and adherence to procedural law, warranting no interference.

4. 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 their 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 Additional Civil Judge (Senior Division), Tarn Taran.

5. However, considering the interest of justice and in order to allow the parties to contest the petition on its merits, the petitioner is granted one effective 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, Tarn Taran, and the remaining amount of Rs. 40,000/- shall be paid to the respondents.

6. In view of the above, the present petition is disposed of.

(VIRINDER AGGARWAL)
JUDGE

20.04.2026

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