



2026:PHHC:061684



2026:PHHC:061684

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

117

CR-3428-2026

Date of Decision: 23.04.2026

Sukhwinder Kaur

.....Petitioner

Vs.

Nirviar Singh and Another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Moudgill, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is defendant No.1 in civil suit bearing No. CS-866-2025 titled "Nirviar Singh vs. Sukhwinder Kaur and anr." pending before learned Civil Judge (Junior Division), Patiala. She is aggrieved by the order dated 27.01.2026 (Annexure P-6), whereby the trial Court has struck off her defence.

It is contended by learned counsel that without sufficient opportunities, impugned order has been passed despite the fact that even the service of all the defendants is not complete.

Perusal of the record would reveal that though petitioner-defendant No.1 had put in appearance through her counsel before the Court on 16.07.2025 and did not file written statement till 27.01.2026, but at the same time, the case is still at the stage of serving the defendant No.2 through registered post as is evident from the various orders including the last order dated 27.01.2026 (Annexure P-6).



2026:PHHC:061684



2026:PHHC:061684

CR-3428-2026**-2-**

In these circumstances, this Court is of the view that Court was not required to take such a strict view so as to strike off the defence of defendant No.1 particularly when the service of all the defendants is not complete.

Consequently the present revision is hereby accepted.

The impugned order dated 27.01.2026 (Annexure P-6) is hereby set aside subject to ₹5,000/- as cost. The same shall be liable to be paid to plaintiff/respondent No.1.

The trial Court shall provide an opportunity to petitioner/defendant No.1 to file the written statement within next three weeks subject to payment of cost as above.

In case, plaintiff- respondent No.1 feels aggrieved by this order, he will be at liberty to approach this Court since matter is being disposed of without issuing any formal notice of motion.

Disposed of.

(DEEPAK GUPTA)
JUDGE

April 23, 2026

Neetika Tuteja

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No