

**CR-3387-2026****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(118)

CR-3387-2026

Date of Decision:-23.04.2026

Amar Devi

.....Petitioner

Versus

Satguru Kabir Dharamshala Prabhandhak Committee and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Bhrigu Dutt Sharma, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India, seeking setting aside of the order dated 26.07.2024 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Jalandhar, whereby the defence of the petitioner was struck off. A further prayer has been made for setting aside the order dated 24.03.2026 (Annexure P-9), whereby the learned Trial Court dismissed the application for recalling the order dated 26.07.2024 and for permitting the petitioner/defendant No.1 to file the written statement.

2. Briefly stated, the respondent/plaintiff filed a civil suit for permanent injunction against the petitioners/defendants. Upon notice, the petitioners appeared before the learned Trial Court. However, vide order

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dated 26.07.2024, the defence of petitioner/defendant No.1 was struck off on account of non-filing of the written statement, whereas defendants No.2 and 3 had already been proceeded against ex parte. Thereafter, an application under Section 151 CPC was filed seeking recall of the order dated 26.07.2024 and permission to file the written statement, but the same was dismissed by the learned Trial Court vide order dated 24.03.2026.

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 striking off the defence at this stage would cause grave prejudice and adversely affect the fair adjudication of the case. It is thus prayed that one effective opportunity be granted to the petitioner to file the written statement and reply to the stay application.

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

5. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as the same would only delay the proceedings and entail unnecessary expense.

6. Having considered the submissions made and upon perusal of the record, this Court is of the opinion that the learned Trial Court has adopted an unduly stringent approach in striking off the defence of the petitioner.

7. Accordingly, without commenting upon the merits of the case and keeping in view the valuable rights involved, the present petition is

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allowed. The impugned orders dated 26.07.2024 (Annexure P-6) and 24.03.2026 (Annexure P-9), passed by the learned Civil Judge (Junior Division), Jalandhar, are hereby set aside, subject to payment of costs of ₹5,000/- to be deposited by the petitioner with the District Legal Services Authority, Jalandhar.

8. The petitioner shall appear before the learned Trial Court on the date already fixed or on a date to be fixed by the Trial Court and, upon production of receipt of the deposited costs, shall be granted one effective opportunity to file the written statement. It is made clear that no further opportunity shall be granted.

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

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

(AMARINDER SINGH GREWAL)
JUDGE

23.04.2026
Shubham

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