



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

(121/2)

CR-4086-2026

Date of Decision:-14.05.2026

Kajal Jindal

.....Petitioner

Versus

M/s A.S. Frozen Foods

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Reshabh Bajaj, Advocate,  
for the petitioner.

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**AMARINDER SINGH GREWAL, J. (Oral)**

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 07.04.2026 (Annexure P-8), passed by the learned Civil Judge (Senior Division), SBS Nagar, in '*M/s A.S. Frozen Foods vs. Vikram Jindal*', in Civil Suit No.747 of 2023, whereby an application under Order VIII Rule 1 Code of Civil Procedure, 1908 (for short 'the CPC') filed by the respondent/plaintiff has been allowed and the defence of the petitioner has been struck off.

2. Brief facts of the case are that the respondent-plaintiff, M/s A.S. Frozen Foods, has filed a suit for recovery of ₹ 5,00,000/- as damages against the present petitioner. Notice of the said suit was issued to the present petitioner, who appeared through counsel. Thereafter, the present petitioner moved an application dated 01.05.2024 (Annexure P2) for rejection of the plaint and notice of the same was issued to the respondent. The said application under Order VII Rule 11(c) CPC was dismissed of



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vide order dated 01.12.2025 (Annexure P-6).

2.1 Further, in the impugned order dated 07.04.2026 (Annexure P-8), it was held by the learned Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, that the present petitioner did not opt to file his written statement even after dismissal of the application under Order VII Rule 11(c) CPC vide order dated 01.12.2025 (Annexure P-6). It was further recorded by the learned Civil Judge (Senior Division), Shaheed Bhagat Singh Nagar, in the impugned order that non-filing of the requisite Court fee cannot be a ground for not filing the written statement by the petitioner-defendant and, accordingly, the defence of the petitioner was struck off.

3. Learned counsel for the petitioner submits that since valuable rights of the petitioner are involved in getting the suit decided, as such, one more opportunity should be granted to the petitioner for filing the written statement. Hence, a prayer has been made that the impugned order dated 07.04.2026 (Annexure P-8) be set aside.

4. Since the prayer made by learned counsel for the petitioner is an innocuous one, this Court feels that issuance of notice to the respondent would unnecessarily delay the proceedings and, as such, issuance of notice to the respondent is dispensed with.

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

6. Since earlier the matter remained pending for decision of the application under Order VII Rule 11 CPC and the same was dismissed vide order dated 01.12.2025 (Annexure P-6), this Court feels that, in the interest of justice, the petitioner should be granted an opportunity to file the written statement so that the matter may be adjudicated upon on merits.



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7. Accordingly, without making any comment on the actual merits of the case, the present petition is allowed and the impugned order dated 07.04.2026 (Annexure P-8) is set aside.

8. The petitioner is directed to appear before the learned trial Court on the date already fixed or on any other date as may be fixed by the learned trial Court, whereupon the learned trial Court shall grant one effective opportunity to the petitioner to file the written statement. However, it is made clear that the aforesaid order shall be subject to payment of costs of ₹5,000/- to be deposited by the petitioner with the District Legal Services Authority, Shaheed Bhagat Singh Nagar. A copy of the receipt thereof shall also be produced by the petitioner before the learned trial Court.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**14.05.2026**  
*Shubham*

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