



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

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Civil Revision No.1612 of 2026 (O & M)

Date of decision :-07.04.2026

**Finstem Infrastructure Private Ltd. through its authorized
representative Vijay Pratap Rao**

.....Petitioner

Versus

Gurinder Singh

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Pratula Sethi, Advocate
for the petitioner.

NIDHI GUPTA J. (Oral)

The present revision petition has been filed for setting aside the impugned order dated 20.12.2025 (Annexure P-1) passed by the learned Additional Civil Judge (Senior Division), Jagraon in Civil Suit No.597 of 2021 titled "*Gurinder Singh vs. Finstem Infrastructure Pvt. Ltd.*", whereby the defence of the defendant-petitioner was struck off; as well as the order dated 17.01.2026 (Annexure P-6), whereby the application filed under Section 151 CPC for recalling/reviewing the aforesaid order was dismissed.

Learned counsel for the petitioner has *inter alia* submitted that the defence of the petitioner has been erroneously struck off. It is submitted that the petitioner had earlier filed an application under Order 9 Rule 7 CPC, which was allowed by the learned trial Court vide order dated 22.04.2025 on the basis of 'No Objection' given by learned counsel for the respondent. Thereafter, at the joint request of the parties, the matter was referred to the National Lok Adalat, as is evident from the zimni orders dated 12.05.2025 and 11.08.2025 (at pages 34 and 35 of the paper book).



It has further been submitted that on 20.11.2025, the matter ought to have been listed for filing of written statement by the petitioner. However, due to an inadvertent recording by the learned trial Court, it was noted that “No PW is present” and the case was adjourned to 20.12.2025. Learned counsel submits that when this fact was brought to the notice of the learned trial Court, instead of granting an opportunity to file the written statement, the defence of the petitioner was struck off on the ground that sufficient time had already been granted.

It is argued that the impugned orders have resulted in grave prejudice to the petitioner and, if not set aside, would cause irreparable loss, as the petitioner would be deprived of an opportunity to contest the suit on merits. At this stage, learned counsel submits that one effective opportunity may be granted to the petitioner herein to file the written statement subject to payment of some reasonable costs, as grave injustice will be caused to him if he is not permitted to do so.

I have heard learned counsel for the petitioner and perused the record.

In the considered opinion of this Court, the circumstances, as noticed above, indicate that the petitioner cannot be said to be wholly negligent in pursuing the matter. The record reflects that the petitioner had already been allowed to join the proceedings pursuant to the order passed under Order 9 Rule 7 CPC, and thereafter the matter was referred to Lok Adalat proceedings at the joint request of the parties. The sequence of events suggests that the opportunity to file written statement was not availed of due to procedural irregularity rather than deliberate inaction.

It is a settled principle that procedural rules are intended to advance the cause of justice and not to defeat it. Denial of an opportunity to



file written statement, particularly in the facts of the present case, would result in serious prejudice to the petitioner and would impede adjudication on merits.

In view of the above, this Court is of the considered opinion that one effective opportunity deserves to be granted to the petitioner to file the written statement, subject to appropriate costs.

Accordingly, the present petition is **allowed**. The impugned order dated 20.12.2025 (Annexure P-1) and the order dated 17.01.2026 (Annexure P-6) are hereby set aside. The learned trial Court is directed to grant one effective opportunity to the petitioner to file the written statement, subject to payment of costs of Rs.20,000/- to the respondent, to be paid on or before the next date of hearing before the learned trial Court, which is stated to be 10.04.2026.

Disposed of in the above terms.

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

April 07, 2026
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

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