

**CR-3016-2026****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(127)

CR-3016-2026

Date of Decision:-08.04.2026

Harish Jindal

.....Petitioner

Versus

Neha Mittal and Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ashwani Bhardwaj, 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 impugned order dated 05.03.2026 (Annexure P-1), passed by the learned Civil Judge (Senior Division), SAS Nagar, Mohali, whereby the defence of the petitioner-defendant was struck off on account of non-filing of the written statement.

2. Briefly, the facts are that the respondent-plaintiff instituted a suit for permanent injunction restraining the petitioner from interfering in their alleged possession and from dispossessing them from house. On 21.08.2025, the petitioner/defendant appeared before the learned trial Court for the first time. Vide order dated 05.03.2026, the learned trial Court struck off the defence of the petitioner on the ground of non-filing of the written statement.



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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 petitioner's defence at this stage would cause grave prejudice to his rights and adversely affect the fair trial of the case. Thus, for proper adjudication of the matter and in view of the valuable rights involved, it is necessary to grant one effective opportunity to the petitioner for filing 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 order proposed to be passed, issuance of notice to the respondent is dispensed with, as the same would delay the proceedings besides entailing additional expense.

6. After hearing learned counsel for the petitioner and upon perusal of the case record, this Court is of the considered view that, since valuable rights of the petitioner are involved, it would be in the interest of justice to grant one effective opportunity for filing of the written statement in the suit pending before the learned trial Court.

7. Accordingly, the present petition is allowed, without commenting upon the merits of the case. The impugned order dated 05.03.2026, passed by the learned Civil Judge (Senior Division), SAS Nagar, Mohali, is hereby set aside, subject to payment of costs of ₹5,000/-, to be deposited by the petitioner with the District Legal Services Authority, SAS Nagar, Mohali.



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8. The petitioner shall appear before the learned trial Court on the date already fixed and, upon production of the receipt qua deposit of costs, the trial Court shall grant one effective opportunity to the petitioner for filing the written statement.

9. The Registry is directed to forward a copy of this order to the learned Civil Judge (Senior Division), SAS Nagar, Mohali, for compliance.

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

**(AMARINDER SINGH GREWAL)
JUDGE**

08.04.2026

Shubham

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