



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

136

CR-8840-2025

Date of decision: 02.12.2025

Veena Rani

..... Petitioner

Versus

Geeta Devi and others

..... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

PRESENT: Mr.Rajesh Lamba, Advocate for the petitioner.

**NIDHI GUPTA, J.**

1. The present revision petition has been filed by the petitioner (defendant No. 2 before the trial Court) seeking setting aside of the order dated 14.11.2025 (Annexure P-26) passed by the learned Civil Judge (Senior Division), Sirsa, in Case No. SUCC-08-2018, titled as 'Geeta Devi vs. GP Etc.' vide which the defence of the petitioner has been struck off on the ground that written statement has not been filed within 90 days.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner is a widowed lady. It is submitted that *laws of procedure are the handmaids of justice and are not mandatory but directory*. Accordingly, stipulation under Order VIII Rule 1 CPC directing that written statement be filed within 90 days is only directory in nature and not mandatory. It is submitted that the *procedure of law is to aid dispensation of justice and cannot be used as an obstruction of justice*. It is submitted that immense harm and prejudice shall be caused to the petitioner if, she is not permitted to file her written statement. It is



accordingly prayed that the impugned order dated 14.11.2025 (Annexure P-26) may be set aside and one effective opportunity be accorded to the petitioner to enable her to file her written statement.

3. No other argument is advanced on behalf of the petitioner. I have heard learned counsel and carefully gone through the case file. I find no merit in the submissions advanced on behalf of the petitioner.

4. The facts as evident from the case file are that respondent No. 1-Geeta Devi filed petition dated 30.5.2018, bearing No. SUCC-08-2018, titled as 'Geeta Devi vs. GP Etc.', under Section 372 of the Indian Succession Act, 1925. Thereafter, respondent No. 1 had filed an application under Order I Rule 10 CPC for impleading the Superintendent of Police, Fatehabad and her minor child-Suryanshi Saini, as party respondent; which application was allowed by the learned trial Court vide order dated 18.05.2024 (Annexure P-1); whereafter amended petition was filed by respondent no.1 on 30.05.2024 (AnnexureP-2).

5. Thereafter, vide order dated 20.07.2024 (Annexure P-3) the matter was adjourned to 31.08.2024 to enable the petitioner to file reply to the amended petition. On 31.8.2024 (Annexure P-4) the matter was again adjourned to 05.10.2024 for filing reply. On account of general elections, on 04.10.2024 (Annexure P-5), the matter was adjourned to 25.10.2024. On 25.10.2024 (Annexure P-6) the case was adjourned to 26.11.2024; on which date the matter was again adjourned to 21.12.2024 (Annexure P-7), on both dates at the instance of the petitioner to file reply to the amended petition.

6. Subsequently, respondent had filed an application dated 21.12.2024 (Annexure P-8) for striking off the defence of the petitioner



on account of her non-filing of written statement despite expiry of statutory period of 90 days. The petitioner had filed reply dated 29.01.2025 (Annexure P-11) to the application for striking off her defence. Thereafter, the matter was again adjourned on various dates as is evident from *zimni* orders Annexures P-12 to P-25. Subsequently, vide impugned order dated 14.11.2025 (Annexure P-26) defence of the petitioner has been struck off.

7. I find no error in the impugned order (Annexure P-26). Perusal of above facts amply establishes that sufficient opportunities have been granted to the petitioner to file her written statement. No reason has been shown by the petitioner that would justify grant of further opportunity. Even no reason has been given by the petitioner as to why she was unable to file her written statement. It is to be appreciated that valuable public time of the Court cannot be whiled away in affording innumerable opportunities to lackadaisical litigants.

8. In this situation, reference may be made to judgment of Hon'ble Supreme Court in **Shiv Cotex v. Tirgun Auto Plast P. Ltd.** (SC) : Law Finder Doc Id # 271160, relevant part of which is as under:-

*“A. Civil Procedure Code, Order 17, Rules 1 and 3(a) - Suit for declaration demanding restoration of possession of property of about Rs. 60 lakhs - Plaintiff did not produce evidence despite 3 adjournments - Suit rightly dismissed .....It was misplaced sympathy towards plaintiff - It is plaintiff alone to be blamed.*

*B. Civil Procedure Code, Order 17, Rule 1 - Grant of adjournment - Absence of lawyer or his non-availability because of professional work in other court or elsewhere or on the ground of strike call or the change of a lawyer or the continuous illness of the lawyer or similar grounds will not justify more than three adjournments to a party during the hearing of the suit.*



*C. Civil Procedure Code, Order 17, Rule 1 - Grant of adjournments during pendency of suit - Adjournments have grown like cancer corroding the entire body of justice delivery system - It is sad, but true, that the litigants seek and the courts grant adjournments at the drop of hat - Though provisions of Order 17 Rule 1 of C.P.C. are not mandatory, but adjournments beyond three may be granted for justifiable cause - Justifiable cause means a cause which is not only sufficient cause as contemplated under Order 17 Rule 1 of C.P.C., but unavoidable and sort of compelling necessity like sudden illness of the litigant or the witness or the lawyer; death in the family of any one of them; natural calamity like floods, earthquake, etc. in the area where any of these persons reside; an accident involving the litigant or the witness or the lawyer on way to the Court and such like cause - The list is only illustrative and not exhaustive. .... ”*  
(Emphasis added)

9. In view of the above noted factual and legal position, I find no ground is made out to exercise the revisional jurisdiction of this Court.
10. **Dismissed.**
11. Pending application(s), if any, shall also stand disposed of.

**02.12.2025**  
*rishu*

**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether Reportable                Yes/No**