IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMPMO No. 534/2026
Decided on: 23.09.2026

The State of Himachal Pradesh & anr. .....Petitioners

Versus

Tilak Raj ....Respondent

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioners: Mr. Manish Thakur, Deputy Advocate General.

For the Respondent: Nemo.

Romesh Verma, Judge (oral)

The present petition arises out of the order dated 23.12.2025, as passed by the learned Civil Judge (Senior Division), Nurpur, District Kangra, H.P., whereby right to file written statement on behalf of the petitioners/defendants came to be closed.

2 The facts, as emerge in the present petition, are that the respondent/plaintiff, Tilak Raj, has filed a suit for

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[1]Whether reporters of the local papers may be allowed to see the judgment? Yes.

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declaration with mandatory injunction as well as permanent prohibitory injunction on 21.05.2025 before the learned trial Court to the effect that the plaintiff is co-owner/co-sharer in possession of the land comprised in Khata No. 4, Khatoni No. 7, Khasra No. 47, measuring 3 Kanals 5 Marlas, as per jamabandi for the year 1916-17, situated in Tikka Khajjian, Mouza Bhadwar, Tehsil Nurpur, District Kangra, H.P., and is entitled to remain as owner in possession of the same and the subsequent entries as shown in jamabandi qua Khata No. 37, Khatoni No. 57, Khasra Nos. 47, measuring 1 Kanal 6 Marlas in the ownership column of Jamabandi as Shamlat Tikka Hasab road malgujari and in cultivation column in the names of Chando-Gughar as co-sharers, predecessor in interest of the plaintiff, by reducing actual area of the land in the jamabandi for the year 1975-76, without any order of competent authority and subsequent entries in the ownership of defendants in the column of possession are illegal, wrong and not binding on the rights of the plaintiff.

3 Along with the suit, the plaintiff/respondent filed an application under Order 39 Rules 1 and 2 of CPC.

4 The defendants/petitioners failed to file written statement, which led to passing of the impugned order, dated

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23.12.2025, whereby their right to file written statement was closed by order of the Court.

5 Feeling aggrieved, the defendants/petitioners, have preferred the instant petition under article 227 of the Constitution of India on the ground that no sufficient opportunity has been granted to the defendants/petitioners to file written statement and the impugned order has been passed in a routine manner by the learned trial court, therefore, one opportunity may be granted to them to file written statement as substantial rights of the parties are involved in the civil suit.

6 This Court on 16.09.2026 had issued notice for the service of the respondent and as per report of the Registry, the respondent stands duly served. However, none has put in appearance on his behalf, therefore, he is proceeded ex-parte.

7 Having gone through the material available on record, this Court is of the considered opinion that there is no infirmity in the impugned order as ample opportunity was granted to the petitioners to file the written statement, however in the attending facts and circumstances of the case, as a matter of indulgence and in the interest of justice, three weeks' further time, by way of last and final opportunity, is granted to the petitioners/defendants to file written statement.

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8 Before parting, it is made clear that the aforesaid order is being passed in the peculiar facts and circumstances of the case, however subject to payment of costs of Rs.10,000/- to be paid to the plaintiff/respondent.

9 It is informed at the bar that learned trial Court has fixed the case for recording evidence of PWs on 26.10.2026. The petitioners are directed to pay the aforesaid cost to plaintiff/respondent on or before the aforesaid date.

10 Needless to say that in case, aforesaid cost is not paid within the aforesaid stipulated period, then the impugned order would revive automatically.

11 The instant petition is allowed in the aforesaid terms. Pending application application(s), if any, also stands disposed of.

(Romesh Verma)
Judge

23.09.2026
(pankaj)

High Court of H.P.

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