

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1446 of 2015

Date of Decision.02.03.2015

Dada Motors

.....Petitioner

Versus

Sh. Sanjay Malhotra and others

.....Respondents

Present: Mr. M.S. Bedi, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The revision petition has been filed against the denial of opportunity to file the written statement within the time prescribed by the Court. The decision of the Supreme Court in **Salem Bar Association, Tamil Nadu Vs. Union of India 2005(3) RCR (Civil) 530** makes it evident that the provision under Order 8 Rule 1 CPC prescribing outer time of 90 days for filing the written statement and providing still further 30 days to grant an extension is not mandatory and the Court on appropriate reasons can extend the time. If the petitioner could not file it within time and had allowed for the defence to be struck off, it will be open to the petitioner to apply to the very same Court pointing out to the circumstances to justify his non-filing of the written statement within the time prescribed and seek for extension in the manner contemplated by law and as affirmed by the Supreme Court in **Salem Bar Association's** case referred to above.

2. The civil revision before this Court is not an appropriate remedy. The revision petition is dismissed but with liberty to approach the trial Court by such an application which if filed, the Court will consider the same and pass appropriate orders.

**(K. KANNAN)
JUDGE**

March 02, 2015
Pankaj*