

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

C.R. No.2223 of 2015 (O&M)

Date of Decision.08.04.2015

Darshan Singh

.....Petitioner

Versus

Balwinder Singh and others

.....Respondents

Present: Mr. Ranjodh Singh Sidhu, 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. There is no justification for the petitioner to arrive before this Court if the defence is struck off. The provisions under Order 8 Rule 1 prescribes the time limit for filing the written statement and if it is not filed within the time stipulated and Court strikes off the defence, there is still power left with the Court to have the order recalled. The statutory limitation of 90 days for filing the written statement as set out in Order 8 Rule 1 is held to be directory and not mandatory in the decision in Salem Bar Association, Tamil Nadu Vs. Union of India (2005) 6 SCC 344 and if any application is filed before the trial Court along with the written statement explaining the reasons why the written statement could not be filed, the Court is bound to pass suitable orders. The petitioner will approach the trial Court and will not approach this Court by means of civil revision.

2. The civil revision petition is dismissed but with liberty to

approach the trial Court in the manner indicated above.

(K. KANNAN)
JUDGE

April 08, 2015
Pankaj*