

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

C.R. No.3117 of 2015

Date of Decision.08.05.2015

Kashmir Kaur

.....Petitioner

Versus

Manjit Singh

.....Respondent

Present: Mr. Ravinder Kaur Manaise, 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?

-. -

K. KANNAN J. (ORAL)

1. There is no justification for the petitioner to arrive before this Court to complain that the defence has been struck off. Order 8 Rule 1 CPC sets out a procedure for filing written statement within a stipulated time period of 90 days. The decision of the Supreme Court In **Salem Bar Association (II), Tamil Nadu Vs. Union of India (2005) 6 SCC 344** stipulates a procedure to be followed if a statement is not filed within the period stipulated. The Supreme Court has held that the prescription of 90 days period is only directory and not mandatory. It is open for the defendant to move such an application setting out reasons as to why the statement could not be filed and file the written statement with an application to extend time and recall the order of striking off the defence instead of resorting to such procedure. The Court will then pass appropriate orders on the application. The

petitioner has unnecessarily approached this Court.

2. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

May 08, 2015
Pankaj*