

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

C.R. No.3688 of 2015

Date of Decision.28.05.2015

Tehsildar (Sales) Gurgaon and another

.....Petitioners

Versus

Babu Singh and others

.....Respondents

Present: Mr. Gaurav Goel, AAG, Haryana
for the petitioners.

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 defence was struck off for not filing the written statement within 90 days. It has been held by the Supreme Court **Salem Bar Association, Tamil Nadu Vs. Union of India (2005) 6 SCC 344** that the time prescribed under the Civil Procedure Code is only directory and not mandatory. The reason for not filing the written statement is explained to me that the written statement had to be prepared with reference to some documents of the years 1956 and 1962 and there was difficulty in tracing the documents making them as basis for filing the written statement.

2. I dispense with notice to the respondents having regard to the fact that no serious prejudice could be caused by the impugned order and to avoid any further delay. The order impugned is set aside. The written statement, copy of which is filed before this Court, is ordered to be received on the day when the case is pending, on production of this

order and the trial of the case will progress in accordance with law.

3. The civil revision is allowed on the above terms.

(K. KANNAN)
JUDGE

May 28, 2015
Pankaj*