

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CR 4608 of 2015

Date of Decision: July 24, 2015

Kewal Singh

.....Petitioner

Vs.

Brij Pal Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Ms. Sukhpreet Kaur, Advocate  
for the petitioner.

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**M.M.S. BEDI, J. (ORAL)**

This is plaintiff's revision petition against the order annexure P-6 dated May 15, 2015 dismissing the application under Order 8 rule 1 CPC filed by the plaintiff- petitioner for striking off the defence of defendant No.2 and permitting defendant- respondent No.2 to file written statement.

Learned counsel for the petitioner submits that the trial Court has not observed that there are any extraordinary exceptional circumstances existing to extend the period beyond 90 days. She has referred to the conduct of the defendant in delaying the proceedings claiming that defendant No.1 was proceeded against ex-parte and he filed written

statement on July 24, 2014. In support of her contention counsel has placed reliance on the judgment of Madhya Pradesh High Court in **Bismilla Bee Vs. Arjuman Aara**, decided on July 11, 2014 and Delhi High Court in **ICICI Lombard General Insurance Co. Ltd. Vs. Continental Transport Organization Pvt. Ltd.**, decided on October 21, 2009.

I have heard learned counsel for the petitioner and considered the contention of learned counsel for the petitioner in context to the law laid down by the Apex Court in **Kailash Vs. Nanhku and ors.**, (2005) 4 SCC 480, laying down that the provisions of Order 8 Rule 1 CPC are not mandatory but directory. Granting an opportunity to defendant- respondent No.2 who claims himself to be a subsequent purchaser will not only enable the Court to arrive at a just conclusion but it will prevent the multifarious litigation appears to be in consonance with the rules of natural justice.

Dismissed.

July 24, 2015  
sanjay

(M.M.S.BEDI)  
JUDGE