

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CR No.5844 of 2015

Date of decision : 08.09.2015

Guriqbal Singh

...Petitioner

Versus

Pawan Kumar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

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

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

\*\*\*\*

**AMIT RAWAL, J. (Oral)**

Challenge in the present petition is to the impugned order dated 01.08.2015 (Annexure P-4), whereby trial Court has allowed the written statement to be filed beyond the period of 90 days as prescribed under Order 8 Rule 1 read with Rule 10 CPC.

Mr. Deepak Aggarwal, learned counsel appearing on behalf of petitioner submits that since respondent-defendant failed to adhere to the time schedule provided under Order 8 Rule 1 and application was filed for striking off the defence. The trial Court has erroneously and perversely dismissed the application. He further submits that adjournment was given to the defendants on payment of ₹250/- as costs and even same has also not

been paid.

I have heard learned counsel for petitioner and appraised the paper book.

As per judgment rendered by Hon'ble Supreme Court in *Salem Bar Association Tamil Nadu Vs. Union of India, 2005(6) SCC 344*, , it has been held that provision of Order 8 Rule 1 CPDC is not mandatory, but directory in nature. Aforementioned view has not been reiterated by Hon'ble Supreme Court in *Kailash Vs. Nanku, 2005(2) RCR (Civil) 379*.

In my view, filing of the written statement, beyond the period prescribed under Order 8 Rule 1, would not cause prejudice to the respondents as they would have a right to rebut the averments by leading direct and cogent evidence.

Learned counsel for the petitioner submits that even the cost as noticed in the zimni order dated 23.05.2013 had not been paid, at least the Court ought to have insisted for cost before taking written statement on record.

The petitioner-plaintiff shall be at liberty to move appropriate application before the trial Court in this regard.

I do not find any illegality and perversity in the impugned order. The same is upheld and revision petition is accordingly disposed of in abovesaid terms.

**08.09.2015**

*pawan*

**(AMIT RAWAL)  
JUDGE**