

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

Civil Revision No.6452 of 2015

Date of decision:30.09.2015

Ram Chand and another

... Petitioners

versus

Mohan Wati and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Mahendra Singh Tewatia, Advocate,
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. There is no justification for the petitioners to arrive to this court to complain that the defence has been struck off. It has been held by the decision of the Supreme Court in **Salem Advocate Bar Association, Tamil Nadu Versus Union of India-AIR 2005 (SC) 3353** that the provisions of Order 8 Rule 1 CPC are directory. If the statement is not filed within 90 days, the party that wishes to file the same beyond the said period could still be granted a liberty if sufficient reasons are given for reception of written statement beyond the period of limitation. The defendant ought to have therefore file an application before the trial Court itself to set aside

the order and for permission to receive the statement by setting out reasons as to why he could not file the written statement within 90 days. If such an application is filed along with the written statement, the court will examine the justification offered and after hearing the objection of the plaintiff, the court will pass appropriate orders.

2. The revision petition is disposed of with the liberty given to the petitioners as mentioned above.

(K.KANNAN)
JUDGE

30.09.2015
sanjeev