

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7521 of 2015
Date of decision : November 6, 2015

Balbir Singh

..... Petitioner

Versus

Naranjan Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

Learned counsel for the petitioner submits that vide impugned order dated 14.7.2015 defence of the petitioner-defendant to file written statement has been struck off. He submits that in case, one opportunity is granted, he will file the written statement on the next adjourned date which is ready and has been annexed as Annexure P-4.

I have heard learned counsel for the 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 provisions of Order 8 Rule 1

CPC are not mandatory, but directory in nature, particularly when the written statement is prepared and has already been annexed with the revision petition as Annexure P-4. The aforementioned view has been reiterated by the Hon'ble Supreme Court in **Kailash Vs. Nanku 2005 (2) RCR (Civil) 379.**

However, taking into consideration the peculiar facts and circumstances of the case and in order to advance justice between the parties to the *lis*, so that there is no miscarriage of justice, the impugned order is set aside. The petitioner-defendant is granted one opportunity to file written statement.

The civil revision is allowed.

(AMIT RAWAL)
JUDGE

November 6 , 2015
archana