

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

Civil Revision No.862 of 2015

Date of decision: 08.04.2015

District Manager, Punjab State Civil Supplies Corporation Limited,
District Kapurthala

... Petitioner

versus

M/s Fattu Dhingra Rice Mills and another.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Deepali Puri, Advocate,
for the petitioner.

Mr. Sunil Narang, Advocate,
for the respondent-Fattu Dhingra Rice Mill.

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 petitioner to arrive before this court to complain that the court could not have struck off the defence if the written statement is not filed within 90 days as required under Order 8 Rule 1 CPC. The party, who has lost the opportunity of filing the statement, will be at liberty to approach the same court and file an application along with the written statement seeking for permission to receive the written statement and to recall

the order striking off the defence. It has been so held by the Supreme Court in **Salem Advocate Bar Association, Tamil Nadu Versus Union of India-2005 AIR (SC) 3353** that the time limit prescribed under Order 8 Rule 1 CPC is only directory and the courts have the power to extend the time for appropriate reasons disclosed. The petitioner may approach the trial court for such a consideration along with the statement through an application and if such an application is filed, the trial Court will consider the same and pass appropriate orders.

2. With this liberty, the civil revision is disposed of.

(K.KANNAN)
JUDGE

08.04.2015
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