

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

CR No. 8395 of 2014 (O&M)

Date of decision: 08.05.2015

Dev Singh

... Petitioner

versus

Ajit Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sanjeev Gupta, Advocate for the petitioner.

Mr. A.S. Barnala, Advocate for the respondent.

K.Kannan, J.

There is no justification for any party to come before this Court to complain that the defence is struck off for not filing the statement within time prescribed under Order 8 rule 1 CPC. The Court's power to extend the time is always available if sufficient reasons are set out. It has been held by the decision of Hon'ble Supreme Court in Salem Advocate Bar Association Vs. UOI, AIR 2005 SC 3353, that the time prescribed under Order 8 rule 1 as directed is not mandatory.

The petitioner will resort to such an action through an application before the Court below along with written statement and seek for reconsideration of the order. If such an application is filed with the statement, the Court order notice to the other side and dispose off the application in accordance with law.

The civil revision petition is disposed of with above observations.

08.05.2015

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**(K.KANNAN)
JUDGE**