

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.8725 of 2014(O&M)

Date of Decision:-14.01.2015

Parvinder Kaur nee Usha Rani

.....Petitioner.

Versus

Swaranjit Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.K. Rana, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Defendant no.2-Parvinder Kaur is in revision aggrieved by the order dated 23.07.2014 (P-3) passed by the learned Civil Judge(Jr. Divn.), Chandigarh whereby her defence has been struck off for not filing the written statement within the stipulated time.

The dispute is between the plaintiff brother and the other defendant brother and sisters regarding the movable and immovable properties left behind by their father Sh. Bihari Lal and their mother Leelawanti. One of the brother Swaranjit Singh/plaintiff is claiming exclusive ownership of house no.230, sector 15-A, Chandigarh or in the alternative 1/4th share of the entire movable and immovable properties left behind by their parents.

The prayer herein is for grant of one opportunity to file the written statement, which inadvertently could not be filed within the

stipulated time, subject to payment of adequate costs.

Upon notice Mr. R.D. Vinayak, Advocate and Mr. Ravindra Jain, Advocate has filed power of attorney on behalf of respondent nos.1 & 2 respectively.

As per office report respondent no.3 remains unserved.

At the time of hearing, learned Counsel for the petitioner seeks to dispense with service of proforma respondent no.3.

On the oral request of the counsel for the petitioner, service upon respondent no.3 is dispensed with.

At this stage learned Counsel for the petitioner very graciously states that he has no objection if the petitioner/defendant no.2 is granted time to file written statement.

It is well settled that the provisions relating to filing of the written statement within the stipulated time has been held to be directory and not mandatory and in the given situation the court can extend time for filing the written statement.

In view of the agreed stand, the present revision petition is allowed and the petitioner-defendant no.2 is permitted to file her written statement within two weeks from today subject to payment of costs of Rs.3,000/- to be paid to the respondent/plaintiff and another sum of Rs.2,000/- to be deposited with District Legal Services Authority, U.T., Chandigarh.

**(JASWANT SINGH)
JUDGE**

January 14, 2015
Vinay