

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

Civil Revision No.8852 of 2014

Date of decision: 09.04.2015

State of Haryana and another

... Petitioners

versus

Vinod Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gagandeep S. Wasu, Additional Advocate General,
Haryana.

Mr. Karamveer Singh Banyana, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. There is no justification to file a revision petition against the order of striking off the defence. The remedy of the defendant must have been to file the application along with the written statement and explaining the reasons as to why the statement could not be filed within time. The Supreme Court has explained in **Salem Advocate Bar Association, Tamil Nadu Versus Union of India-2005 AIR (SC) 3353** that the provision under Order 8 Rule 1 CPC prescribing the period of 90 days is not mandatory and it is only directory. The 3-Members Bench has underscored that the court will not be without power to grant extension of time if such an application is filed.

2. The petitioner shall resort to such an exercise by approaching the court below by filing a petition along with the written statement and setting out the reasons in the manner explained above. The court will pass appropriate orders in the light of the observations of the Supreme Court in **Salem Advocate Bar Association** (supra) and in the light of the direction given above.

3. The civil revision is dismissed.

(K.KANNAN)
JUDGE

09.04.2015
sanjeev