

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14116 of 2014

=====

Mangal Rai son of late Achuda Rai resident of village Daudpur nead Masjid P.S.
Sahpur District Patna.

.... Petitioner/s

Versus

Anup Kumar son of Late Rajendra Mahto resident of Mohalla - Imalital Jama
Manjid P.O. Danapur Cantt., P.S. Danapur, District - Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Gupta, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the petitioner.

By the impugned order the learned court below has
accepted the written statement filed by the defendant-respondent in
the suit.

Learned counsel for the petitioner has submitted that the
written statement has been filed by the defendant belatedly and after
expiry of 90 days as prescribed under Order 8 Rule 1 C.P.C. It has
been further submitted that the learned court below has not
assigned any reason for accepting the written statement nor has
condoned the delay in filing the written statement belatedly.

After considering the submission and the perusal of the
impugned order as well as from the petition filed by the defendant
(Annexure-2), it transpires that the defendant has explained the delay



in filing the written statement. Even otherwise also, the provision restricting the time limit for filing the written statement is only directory and not mandatory. As such, this Court does not find it a fit case for invoking the jurisdiction under Article 227 of the Constitution of India.

The application is accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

