

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12954 of 2015

Prabhakar Rai & Anr

.... Petitioner/s

Versus

Suryabali Singh & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 05-05-2016 Heard the learned counsel, Mr. Chandrakant, for the petitioner.

The Court below by the order dated 07.05.2015 passed in Title Suit No.955 of 2013 accepted the written statement filed by the respondents.

According to the learned counsel for the petitioner, the defendants appeared on 23.06.2014 and they filed written statement on 08.10.2014 beyond 90 days. Thereafter, the petitioner filed application praying for not to accept the written statement filed by the defendant but the Court below on the oral prayer of the defendants respondents by the impugned order accepted the written statement.

Perused the order passed by the Court below. It is admitted fact that the defendant have appeared on 23.06.2014. The written statement have been filed on 08.10.2014. 90 days expired on

29.9.2014 from the date of appearance. During this period, no order was passed debarring the respondents from filing the written statement.

It is settled principal of law that the power of Court to extend time for filing written statement beyond time schedule prescribed in Rule 1 under Order 8 CPC is not taken away completely. The extension of time is permissible not in a routine manner but only if it was needed to be given in exceptional cases so as to prevent greave injustice. In this case, 90 days expired on 23.09.2014 and the written statement has been filed just within 15 days thereafter. In such circumstances when the Court below has passed the order accepting the written statement, in my opinion, it is not a fit case for interference in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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