

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1049 of 2016
Date of decision : February 11, 2016

Hukam Singh and others

..... Petitioners

Versus

Vijay

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arvind Singh, Advocate
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

Learned counsel for the petitioners submits that vide impugned order dated 8.1.2016 defence of the petitioners-defendants to file written statement has been struck off. He submits that in case, one opportunity is granted, he will file the written statement on the next adjourned date which is ready and has been annexed as Annexure P-2.

I have heard learned counsel for the petitioner and appraised the paper book.

As per judgment rendered by Hon'ble Supreme Court in **Salem Bar Association Tamil Nadu Vs. Union of India, 2005 (6) SCC 344**, it has been held that provisions of Order 8 Rule 1

CPC are not mandatory, but directory in nature, particularly when the written statement is prepared and has already been annexed with the revision petition as Annexure P-2. The aforementioned view has been reiterated by the Hon'ble Supreme Court in **Kailash Vs. Nanku** **2005 (4) SCC 480.**

However, taking into consideration the peculiar facts and circumstances of the case and in order to advance justice between the parties to the *lis*, so that there is no miscarriage of justice, the impugned order is set aside. The petitioner-defendant is granted one opportunity to file written statement subject to payment of costs of ₹5,000/-. The costs shall be paid to the respondent-plaintiff.

The civil revision is allowed.

(AMIT RAWAL)
JUDGE

February 11, 2016
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