

113.

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

Civil Revision No.1415 of 2016

Date of decision: 25.02.2016

Rajwant Kaur and others

... Petitioners

versus

Iqbal Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. It is a waste of time for a person to arrive before this court to complain that the defence was struck off when the statement was not filed within 90 days which is the outer limit for filing a written statement under Order 8 Rule 1 CPC. The court is competent to struck off the defence if the written statement is not filed.

2. The petitioner says that he was posted on some important duty and he could not be therefore present. If the person could not be present, it is open to the defendant to file an application for recalling that order and tender the written statement, for, it has been held by the judgment of the Supreme Court in **Salem Advocate**

Bar Association, Tamil Nadu Versus Union of India-2005(6) SC

344 that time prescribed is not mandatory and directory.

Consequently, the court will be competent to examine whether there was any justification for not filing the statement within a period of 90 days. If such an application is moved and a statement is filed along with said application, the court will consider the same and pass appropriate order of either receiving the statement or rejecting the statement.

3. The revision petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

25.02.2016
sanjeev