

123.

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

Civil Revision No.1721 of 2016

Date of decision:09.03.2016

Shankar Lal and others

... Petitioners

versus

Smt. Satyawati

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: None.

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. Since the written statement has not been filed within time, the court has struck off the defence. The order passed is set aside dispensing with notice since the time stipulation under Order 8 Rule 1 CPC is only directory and not mandatory as per the decision of the Supreme Court in **Salem Advocate Bar Association, Tamil Nadu Versus Union of India-2005(6) SC 344.**

2. It shall be open to the petitioner to file an application along with written statement setting out the circumstances why the written statement could not be filed within time. If the court is of the view that there were sufficient justification or if the delay in

filing could be condoned by direction as to payment of costs, the court would be at liberty to do so by passing a fresh order. The application shall be filed along with written statement within a period of 1 week from the date of receipt of copy of this order.

3. The order already passed would be reconsidered in the light of any fresh application that may be filed.

4. Revision petition is ordered on the above terms.

(K.KANNAN)
JUDGE

09.03.2016
sanjeev