

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2432 of 2016
Date of decision : April 4, 2016

Union Territory, Chandigarh and others

..... Petitioners

Versus

Ragbir Dayal @ Raghbir Dass and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vivek Chauhan, 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 27.1.2016 whereby 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-4.

I have heard learned counsel for the petitioners 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-4. 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 petitioners-defendants are granted one opportunity to file written statement subject to payment of costs of ₹5000/- which shall be condition precedent.

The civil revision is allowed.

**(AMIT RAWAL)
JUDGE**

**April 4, 2016
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