

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3200 of 2016
Date of decision : May 6, 2016

Balkar Attri

..... Petitioner

Versus

M/s Dainik Savera News and Media Network

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Dinesh Mahajan, Advocate
for the petitioner.

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 petitioner submits that vide impugned order dated 9.2.2016 defence of the petitioner-defendant 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.

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. 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 ₹500/-.

The civil revision is allowed.

**(AMIT RAWAL)
JUDGE**

**May 6, 2016
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