

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3449 of 2016

Date of Decision.17.05.2016

Atta Mohd.

.....Petitioner

Vs.

Haryana Wakf Board and another

.....Respondents

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The petitioner is aggrieved by the order passed by the trial Court striking off the defence. The proper procedure is to file an application before the very same Court and point out to any reason why he could not file the written statement within time. If such an application is filed, the Court is bound to consider the same and dispose it of. It was held by the Supreme Court in **Salem Bar Association, Tamil Nadu Vs. Union of India (2005) 6 SCC 344** that the provision setting forth 90 days as the outer limit in filing written statement under Order 8 Rule 1 CPC is directory and not mandatory. It shall, therefore, be possible for the trial Court itself to take a decision if appropriate reasons are given.

2. The revision petition is dismissed with liberty to the petitioner to approach the trial Court for appropriate orders.

(K. KANNAN)
JUDGE

May 17, 2016
Pankaj*