

Civil Revision No.4351 of 2015

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

Civil Revision No.4351 of 2015 (O&M)

Date of decision: 08.01.2016

Anil Mittal

....Petitioner

Versus

E. Satyanandan (since deceased) through his LR

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the 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 ?

Present: - Petitioner in person.

Mr. Sudhir Aggarwal, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 25.05.2015 passed by learned Civil Judge (Senior Division) Gurgaon.

Petitioner states that he is aggrieved only against the excess time granted by the Court for filing reply to the counter-claim preferred by the petitioner.

Admittedly, a detailed counter-claim was separately filed by the petitioner which is placed on record as Anneuxre P-20. An opportunity to file reply to the counter-claim, which is virtually in the nature of civil suit, was required to be given to the respondent/plaintiff. The Court has not recorded reasons for granting extra time. However, in

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Salem Advocate Bar Association, Tamil Nadu vs. Union of India AIR 2005 Supreme Court 3353, it has been held by the Hon'ble Supreme Court that the provision in Code of Civil Procedure stipulating time limit of 90 days for filing the written statement/reply is directory and not mandatory, however, in the facts and circumstances of a given case, more than 90 days can be granted for filing written statement/reply.

In view of above, I do not find any illegality or perversity in the impugned order.

Petitioner submits that since the reply to counter-claim has been filed after a considerable delay, he was not afforded opportunity to file rejoinder to the same.

Petitioner will be at liberty to file reply to rejoinder to written statement within one month from the date of receipt of certified copy of this order.

Dismissed with above observations.

(Paramjeet Singh Dhaliwal)
Judge

January 08, 2016
R.S.