

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

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CR No. 6034 of 2016 (O&M)

Date of Decision: October 17, 2016

HARPAL SINGH

-PETITIONER

VS

MANGAT RAM

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Arun Singla, Advocate
for the petitioner.

Mr. Varun Garg, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 24.08.2016 passed by Additional Civil Judge (Senior Division), Sunam whereby defence of the petitioner-defendant was struck off due to non-filing of written statement within 90 days.

Learned counsel for the petitioner submitted that in a suit for recovery of Rs.2,80,000/-, Rs.2,07,000/- was the principal amount whereas an amount of Rs.73,000/- was calculated towards interest upto date of filing of the suit.

Notice of the suit was issued on 10.03.2016 for 10.05.2016 on filing process fee. On 10.05.2016, defendant-petitioner appeared in the Court through his counsel and the

case was adjourned for 11.07.2016 for filing written statement. On 11.07.2016, the case was adjourned for 24.08.2016 at the instance of the petitioner-defendant. The written statement could not be filed on the adjourned date i.e. 24.08.2016, the impugned came to be passed.

Perusal of the record shows that there was some omission on the part of the petitioner-defendant in not filing the written statement within the directory period of 90 days as per ratio laid down in **Salem Advocates Bar Association vs. Union of India, 2005 (6) SCC 344.**

Seeing the period to be directory in nature, I deem it appropriate to grant one more opportunity to the petitioner-defendant to file written statement subject to payment of Rs.8000/- as costs to be paid to the plaintiff-respondent.

Payment of cost shall be the condition precedent for granting indulgence by the trial Court in the aforesaid manner.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

October 17, 2016

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No