

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

CR No. 7688 of 2015 (O&M)
Date of Decision: March 14, 2016

Jamshed

...Petitioner

Versus

Shri Ram and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Bharat Bhushan Sharma, Advocate,
for the petitioner.

Mr. Kunal Dawar, Advocate,
for respondents No. 1 and 2.

Mr. Shalender Mohan, Advocate,
for respondent No.4.

K. KANNAN, J. (Oral)

1. There is no necessity for the petitioner to arrive this Court against the order striking off his defence, when admittedly the written statement was not filed within 90 days as required under Order 8 Rule 1 of the Civil Procedure Code. It shall be open to the petitioner to apply before the very same court for recalling of the order and file a statement along with the application explaining why the statement could not be filed within time and set out the circumstances for the delay. It has been held by the Supreme Court in Salem Bar Association, Tamil Nadu Versus Union of India 2005 (6) SCC 344 that the time prescribed under the Civil Procedure Code is directory and not mandatory in nature. Consequently, if sufficient reasons are given, the Court may consider the same and pass appropriate order either receiving the statement and allowing for further progress in the suit in

accordance with law and order such order as the circumstances required.

2. The revision petition is dismissed but with the above observations.

March 14, 2016
prem

(K.KANNAN)
JUDGE