

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

CR No.4317 of 2017 (O & M)

Date of decision :18.09.2017

Rajwant Kaur and others

...Petitioners

Versus

Iqbal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranjan Lakhanpal, Advocate and
Ms. Amanjeet Kaur, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (Oral)

Defendant Nos.3, 4 and 6 are in revision petition against order dated 12.04.2017 striking off the defence on the ground that the written statement has not been filed.

Defendants had filed an application for permission to take on record written statement. It was pleaded by the defendants that they failed to file written statement within a period of 90 days as defendant No.4 is a government employee working in Punjab Police and because of the terrorist attack at Pathankot Airbase, he could not file written statement on 06.01.2016.

No doubt, the written statement was not filed within a period of 90 days, however, such provision has already been held to be directory and not mandatory. The Courts have the power to extend the time in appropriate cases.

The suit was instituted on 28.09.2015 and the Court struck off the defence on 06.01.2016.

Taking into consideration the facts available on the file, the

orders dated 06.01.2016 and 12.04.2017 are set aside.

Learned counsel for the defendants-petitioners has submitted that the written statement is already part of the file of the trial Court.

In view thereof, the Court would take the written statement on record and proceed with the case.

Since I am disposing of this revision petition without issuance of notice to the respondents-plaintiffs, the plaintiffs would be at liberty to move an application for modification if they are so advised.

Hence, this revision petition is allowed.

18.09.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes
Whether Reportable : No