

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

**CR No.6169 of 2017 (O&M)
Date of Decision: 13.09.2017**

Gopal Singh

... Petitioner.

Versus

Sushil James

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harkesh Manuja, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

Defendant is in revision petition against the order of striking off defence on the ground that the written statement has not been filed within the statutory period of 90 days.

Learned counsel for the petitioner has submitted that the petitioner-defendant had put in appearance on 26.04.2017 and the defence has been struck off vide order dated 07.07.2017. He submits that even the period of 90 days was not over.

Striking off the defence of a defendant has serious consequences. It has been held by the Hon'ble Supreme Court that the provision in the Code of Civil Procedure providing for a period of 90 days for filing the written statement is not mandatory. The Court, in the facts and circumstances of the case, can certainly extend the time.

Taking into consideration the fact that the suit was filed in the year 2017 itself and the defendant/petitioner had put in appearance on

26.04.2017, therefore, in the interest of justice, the order under challenge is set aside. The defendant/petitioner is granted one opportunity to file the written statement within a period of two weeks from today. This will be subject to payment of Rs.1000/- as costs.

The revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

13.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No