

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

CR-7865-2017

Date of decision: 14.11.2017

Varda Engineers & Consultants and another

...Petitioners

Versus

Fujikura Kasei Coating India Pvt. Ltd.

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.S. Bedi, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 06.09.2017 passed by the Additional District Judge-cum-Commercial Court, Gurgaon, whereby application filed by the defendants (petitioners) for setting aside the exparte order dated 04.07.2017 has been allowed subject to cost of Rs.1000/- by accepting the medical certificate produced by the defendants. At the same time, prayer to file the written statement has been declined.

Learned counsel for the petitioners has referred to the judgment passed by the Hon'ble Supreme Court in **Smt. Rani Kusum Vs. Smt. Kanchan Devi and others**, 2005 (3) RCR (Civil) 727, whereby Order 8 Rule 1 CPC, which provides for filing of the written statement within 90 days, has been held to be directory in nature and not mandatory.

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioners, this Court deems it appropriate to provide some time to the

petitioners (defendants) to file their written statement.

In view of the above, impugned order dated 06.09.2017 is set aside and opportunity is granted to the present petitioners to file their written statement before the Court below on the next date fixed i.e. 18.11.2017.

Allowed accordingly.

14.11.2017
ajp

(RITU BAHRI)
JUDGE

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