

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

C.R. No.3823 of 2018

Date of Order: 21.09.2018

M/s Nicco Sports Worldwide and Anr.

....Petitioners

Versus

M/s Ashoo Printers and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Viney Puri, Advocate for the petitioners.

B.S.WALIA, J (ORAL)

[1] Despite service, respondents have not put in appearance.

Accordingly, they are proceeded against ex parte.

[2] Challenge in the revision petition is to order dated 23.04.2018 passed by the learned Civil Judge (Jr. Division), Jalandhar in Civil Suit No.521 of 2017 in case titled as Ashoo Printers vs Nicco Sports Worldwide etc vide which defence of the petitioner-defendants was struck off on account of failure to file written statement within 90 days.

[3] Learned counsel contends that no doubt the written statement was not filed within the stipulated period of 90 days but it was settled law that the period of time for filing of written statement stipulated under Order 8 Rule 1 CPC was not mandatory but directory and that time beyond 90 days could be granted for doing the needful on sufficient cause being shown.

[4] Learned counsel contended that the written statement could not be filed for want of accounts books which had been misplaced by the Chartered Accountant and by the time the same were traced out and written

statement prepared, period of 90 days had elapsed. In the aforementioned background, prayer is for grant of one opportunity to the petitioner defendants to file written statement on such terms as to costs as deemed appropriate otherwise the same would seriously prejudice the defence of the petitioners-defendants. Besides, the purpose of stipulating time schedule for filing of written statement under Order 8 Rule 1 CPC was to expedite and not to scuttle the hearing of the case on merits.

[5] Having heard learned counsel for the petitioner defendants and going through the paper book, I am of the view that it would be in the interest of justice to grant one opportunity to the petitioners-defendants to file the written statement subject to payment of costs of ₹5000/- to the respondents-plaintiffs.

[6] Accordingly, the revision petition is allowed. Impugned order is set aside. One opportunity is granted to the petitioners-defendants to file the written statement within ten days of receipt of certified copy of the order subject to payment of costs of ₹5000/- to the respondents-plaintiffs. Revision petition allowed in aforementioned terms.

September 21, 2018**manoj****(B.S.WALIA)****JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No