

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 479 of 2013 (O/M)
Date of decision : 24.1.2018

Ram Pal Bharthi

..... Petitioner

Versus

Bhaga Ram Bharthi

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surender Dhull, Advocate, for petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in present revision is the order dated 2.12.2017, passed by learned Civil Judge (Junior Division), Patiala, vide which application filed by plaintiff under Order 8 Rule 10 read with Section 151 of Civil Procedure Code, 1908, for passing judgment and decree against defendant as defendant failed to file the written statement within stipulated period of 90 days was dismissed.

Plaintiff had claimed that defendant had appeared through counsel on 23.3.2017. On 20.5.2017, an application for production of documents was filed by defendant which was disposed of on 19.7.2017. The case was then adjourned to 28.8.2017 for filing written statement, but defendant did not file written statement within stipulated period of 90 days.

Heard.

Impugned order itself shows that before the decision of application, written statement had already been filed by defendant. Defendant had also filed counter claim and now, plaintiff is required to

CR No. 479 of 2013 (O/M)

file reply to the counter claim as well as replication. Whatsoever is the reason, the lower Court allowed defendant to file written statement. If it is beyond the said period of 90 days and written statement has already been filed, now it cannot be taken off the record. There is no ground to interfere in the impugned order. Instant revision is dismissed.

(KULDIP SINGH)
JUDGE

24.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No