

CR-6279-2018

Date of decision : 19.09.2018

Shubham Sharma

... Petitioner

Versus

Seema Sharma and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGHPresent: Mr.Atul Goyal, Advocate
for the petitioner.**AMOL RATTAN SINGH, J.(ORAL)**

Learned counsel for the petitioner submits that despite respondent no.2 still to be served, who is stated to be the mother of the deceased person the succession to whose property is in question, the impugned order has been passed, essentially on the ground that the reply should have been filed within 90 days (in terms of Order 8 Rule 1 CPC). Though of course the main reasoning given is that the petitioner had availed of sufficient number of opportunities to file the reply.

In view of the above since the stipulated period of 90 days is not applicable to the States of Punjab, Haryana and the U.T. Chandigarh in terms of the Order 8 Rule 1 CPC, though of course the written statement is to be filed within a reasonable time, but seen with the fact that one of the contesting respondents, i.e. respondent no.2, is still to be served, with the next date of hearing before the trial Court being 26.09.2018, this petition is allowed, with the petitioner directed to file the written statement by 26.09.2018 positively.

(AMOL RATTAN SINGH)
JUDGE

September 19, 2018.

D.K.

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No