

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6503 of 2018

Date of Decision: 27.09.2018

Rajan Sharma

.....Petitioner

Vs.

Sunil Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Premjit Kalia, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned Civil Judge (Junior Division), Amritsar, (trial Court) dated 23.08.2018, by which the defence of the petitioner-defendant has been struck off on account of non-filing of the written statement within a period of 90 days (as stated in the impugned order).

As per the impugned order, the case was adjourned to today for the respondents-plaintiffs' to lead evidence.

Upon query as to why the petitioner has approached this Court at the 'nick of time', he points out that as a matter of fact the petition was filed on 14.09.2018 but with the Registry having raised an objection, it could be re-filed and put up for hearing only today.

That being so, and actually there being no time period of 90 days stipulated in Order VIII Rule 1 CPC, as applicable to the States of Punjab, Haryana and the Union Territory Chandigarh, though Order V Rule 1 CPC does still lay

down a period of 90 days, but with the both provisions obviously to be read harmoniously, this petition is allowed with the impugned order set aside.

Subject to the petitioner paying costs of Rs. 5,000/-, to the respondents-plaintiffs, he would be permitted to file his written statement within 10 days from today.

September 27, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes