

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

CR No. 6846 of 2018

Date of Decision: 08.10.2018

Ranjit Singh

.....Petitioner

Vs.

Simerdeep Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gurmandeep Singh Sullar, for
Mr. Tarun Vir Singh Lehal, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Vide this petition, the petitioner challenges the order of the learned trial Court [Civil Judge (Junior Division), Gurdaspur], dated 17.07.2018, by which the defence of the petitioner has been struck off holding that the period of 90 days (as stipulated in Order V Rule 1 CPC and Order VIII Rule 1 CPC) has elapsed.

It is to be noticed that through Order V Rule 1 CPC still continues to apply universally as regards its application to this Court also, Order VIII Rule 1 CPC stands amended in its application to the States of Punjab, Haryana and the Union Territory of Chandigarh, wherein no specific period of 90 days is stipulated.

Obviously, however, the written statement still has to be filed within a reasonable period.

That being so and learned counsel for the petitioner specifically on query having stated that the respondent-plaintiff is still to actually lead evidence, subject to that contention being correct, this petition is allowed, with the impugned order set aside and the petitioner given one opportunity to file his written statement within two weeks from today, subject to payment of costs of Rs. 5,000/- to the respondent-plaintiff.

October 08, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes