

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CR No.8187 of 2017 (O&M)

Date of decision: 01.03.2018

Gurdeep Singh

..... Petitioner

Versus

Kulwinder Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner.

Mr. Rahul Bhargava, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

CM-25057-CII-2017

Delay in filing the revision petition is condoned and the application is allowed.

Main Case

Defendant No.2-petitioner is in the revision petition against the order striking off the defence of the defendants on the ground that within statutory period of 90 days, the written statement has not been filed.

No doubt, it is appreciable that the learned trial Courts are making sincere endeavor to dispose of the suits on an early date, however, the statutory period of 90 days is not rigid. The Court has power to extend the time in appropriate cases. In the present case, defendant No.2-petitioner has pleaded that he was neither served nor he had engaged any counsel.

Taking into consideration the aforesaid pleadings of the

defendant, this Court is of the opinion that the order passed by the learned trial Court deserves to be modified and the defendant No.2-petitioner shall be given one opportunity to file his written statement within 15 days from the date of receipt of certified copy of this order. However, this opportunity shall be subject to the payment of cost of Rs.10,000/- payable to the plaintiff.

Revision petition is allowed.

01.03.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No