

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2008 of 2019(O&M)
Date of Decision: 12.04.2019

Seema Singhal

.....Petitioner

Versus

Rajat Singhal

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Amaninder Preet, Advocate
for the petitioner.

Respondent Rajat Singhal in person.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 08.02.2019 passed by Principal District Judge, Family Court, Gurugram vide which defence of the petitioner was struck off for want of written statement.

[2]. Perusal of the impugned order would show that the petitioner made her appearance before the Court on 12.09.2018 and the case was adjourned to 30.10.2018 for awaiting mediation report. Thereafter, the time was extended for mediation and the case was further adjourned to 07.12.2018 for

awaiting mediation report. Written statement was to be filed on or before 30.10.2018.

[3]. Though there is some omission on the part of the petitioner in not adhering to the order. Order 8 Rule 1 CPC is only directory in nature though the same has been couched in a mandatory overtone. In appropriate case, the Court can extend the time for filing written statement beyond the period of 90 days. Reference can be made to **Kailash Vs. Nanhku and others, 2005(2) RCR (Civil) 379, Sandeep Thapar Vs.SME Technologies Private Limited, 2014(1) RCR (Civil) 729** and **Salem Advocate Bar Association, Tamil Nadu Vs. Union of India, AIR 2005 SC 3353.**

[4]. In view of aforesaid, I deem it appropriate to grant one opportunity to the petitioner for filing written statement on the next date of hearing before the trial Court. Trial Court shall adhere to Section 21(B)(2) of the Hindu Marriage Act and decide the case expeditiously and all possible endeavour shall be made to conclude the trial within the period specified under the aforesaid provision.

[5]. Disposed of.

12.04.2019

Prince

Whether reasoned/speaking
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No