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

CR No. 3587 of 2019

Date of Decision: 29.05.2019

Lovepreet Singh and another

-Petitioners

Vs

Gurpreet Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anil Chawla, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioners-defendants have preferred this revision petition against the order dated 08.03.2019 passed by Additional Civil Judge (Senior Division), Tarn Taran vide which the application under Order 8 Rule 1 CPC filed by the plaintiff for striking off defence of the defendants was allowed.

2. Perusal of the record would show that defendants were proceeded against exparte vide order dated 18.09.2018 and thereafter, said exparte order was set aside on 11.10.2018 and the defendants-petitioners were asked to file written statement on 15.11.2018.

3. The trial Court has recorded a finding that till 08.03.2019, written statement was not filed. If the period is

computed from 11.10.2018, more than 120 days have expired and still, written statement has not been filed by the petitioners.

4. The Hon'ble Apex Court in **M/s SED Private Limited vs KS Infrastructure and others, 2019 RCR (Civil) 249**, by diluting the earlier view expressed in **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 vs Union of India, 2005(3) RCR (Civil) 530**, has held that the Court cannot grant extension beyond 120 days from the date of service of summon even in ordinary suits. The period upto 90 days is discretionary, subject to payment of costs and the period beyond 120 days would forfeit the right of the defendants to file the written statement.

5. In view of the observations made by the Hon'ble Apex Court in **M/s SED Private Limited's case (supra)**, no indulgence can be granted in favour of the petitioners.

6. This revision petition is accordingly, dismissed.

29.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No