

112

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

CR No. 4010 of 2019 (O&M)
Date of Decision: 03.07.2019

Karam Chand

-Petitioner

Vs

Surinder Singh and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Goel, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has challenged the order dated 05.03.2019 passed by Civil Judge (Junior Division), Rajpura vide which defence of defendant No.2-petitioner was struck off.

Perusal of the impugned order would show that defendant No.2-petitioner made his appearance before the Court through his counsel on 23.10.2018. Written statement has not been filed despite lapse of more than 120 days.

The Hon'ble Apex Court in **M/s SCG Private Limited vs KS Infrastructure and others, 2019 RCR (Civil) 249**, has diluted 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, and 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, but the period beyond 120 days would forfeit the right of the defendants to file the written statement.

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

This revision petition is accordingly, dismissed.

03.07.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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