

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

CR-8073-2019
Decided on : 16.12.2019

Gurbax Kaur & ors.

..... Petitioners

Versus

Gurmit Singh & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Raminder Pratap Kaur, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

Prayer in the instant revision petition is for setting aside the order dated 10.12.2018 (Annexure P-2) vide which the learned Addl. Civil Judge (Sr. Div.) Phagwara struck off the defence of the petitioners.

Learned counsel contends that in the suit for specific performance filed by the plaintiff-respondent, summons were issued and the petitioners/defendants No.1, 3 and 6 appeared through their counsel and sought time for filing the written statement. However, the counsel engaged by the petitioners failed to file the written statement within the stipulated period of 90 days as a result of which learned trial court struck off their defence vide impugned order dated 10.12.2018 (Annexure P-2). It has been thus, prayed that one opportunity be granted to the petitioners to file their written statement as otherwise it would cause irreparable loss to them.

Heard and perused the impugned order passed by the court below.

Perusal of the impugned order reveals that the written statement and reply to the stay application was not filed by the petitioners/defendants

No.1, 3 and 6 before the court below even after the expiry of more than 90 days from the date of appearance of their counsel. Moreover, no request for adjournment was also made on their behalf. It is evident that the petitioners failed to file their written statement not only within 90 days but thereafter even after the extended period of 120 days. Hon'ble Supreme Court in *M/s SCG Contracts India Pvt. Ltd. vs. K.S.Chamankar Infrastructure Pvt. Ltd. & ors., 2019(2) RCR (Civil 249* has held that if the defendant fails to file his written statement within a period of 120 days, it would be enough for him to forfeit his right to file the written statement.

In my opinion, there is no illegality or perversity in the order passed by the trial court.

Consequently, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

16.12.2019

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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No