

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

Sr. No.211

**Civil Revision No.1939 of 2020
DATE OF DECISION: January 11, 2021**

JASMINDER KAUR AND OTHERS THR. GPA

..PETITIONERS

VERSUS

PALWINDER SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.S. Virk, Advocate, for the petitioners.

Mr. Karamjit Verma, Advocate, for the respondent.

SUDHIR MITTAL, J. (ORAL)

The petitioner challenges order dated 10.02.2020 (Annexure P-5) whereby his defence has been stuck off.

Learned counsel for the petitioners submits that the written statement was prepared on 10.01.2020 but inadvertently it could not be filed in Court within the requisite period of 90 days. The order striking of the defence is too harsh and deserves to be set aside. The provision of Order 8 Rule 1 CPC prescribing a period of 90 days for filing written statement is only directory. The written statement shall be filed on the next date of hearing i.e. 08.02.2021.

Learned counsel for the plaintiff/respondent accepts the legal position and has no objection in case the impugned order is set aside.

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Accordingly, the order dated 10.02.2020 impugned in this revision petition is set aside and it is directed that the reply be filed on the next date of hearing i.e. 08.02.2021 without fail.

Revision petition is accordingly allowed.

January 11, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No