

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

CR-3068-2021

Date of decision: 02.12.2021

M/s Babaji Rice and General Mills

...Petitioner

Versus

Punjab State and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mukand Gupta, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

In the present case, the defendant has already filed its written statement in reply to the plaint filed by the petitioner, herein. The application filed by the petitioner, for striking off the defence of the defendants, on the ground that they did not file the written statement within the prescribed time, has been dismissed.

The petitioner assails the correctness of the aforesaid order. He draws the attention of the Court to Section 15 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, to contend that the Court has no power to extend the time.

This Court has considered the submission, however, finds no merit therein. The defendant was proceeded against, ex parte. Thereafter, on an application being filed under Order 9 Rule 7 Code of Civil Procedure, 1908, the ex parte proceedings were set aside. The defendants thereafter filed the written statement. The application filed by the plaintiff came to be decided subsequently. The attention of the court has not been drawn to any provision which makes it obligatory for

the court to remove the written statement which has already been made part of the court record. No doubt, Section 15 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, has been held to be mandatory, however, it nowhere lays down that the written statement, if already filed, must be struck off from the record. Hence, no ground to interfere is made out.

Dismissed.

02.12.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE