

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

109

CR-978-2020

Date of decision: 05.04.2022

BIJENDER SINGH CHHIKKARA

.....Petitioner

Versus

SAT NARAIN

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamal Mor, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 13.12.2017 passed by the learned Civil Judge (Sr. Divn.), Sonapat vide which the defence of the petitioner-defendant was struck off.

Learned counsel for the petitioner submits that the petitioner was unable to file his written statement within the stipulated time frame for genuine reasons and for reasons beyond his control. Hence, the delay was unintentional. He further submits that since the case was at the stage of prosecution evidence, no prejudice would be caused to the respondent-plaintiff in case the petitioner-defendant was given one more opportunity to file his written statement. Learned counsel submits that else the petitioner would suffer irreparable loss in case he was not allowed to set his defence.

I have heard learned counsel for the petitioner and perused the relevant material on record.

The provisions of Order 8 Rule 1 of the CPC no doubt are directory in nature, however, the Courts must exercise its discretion to

condone the delay, if any, in filing of written statements after exercising due circumspection and also should nip any attempts which may be discernible to unduly prolong a suit/case.

Adverting to the case in hand, it is a matter of record that the petitioner-defendant entered appearance through his counsel on 23.01.2017. Thereafter, the petitioner-defendant was granted repeated opportunities to file his written statement including a last opportunity which was given on 21.09.2017. However, the petitioner-defendant still did not file his written statement as a result of which his defence was ordered to be struck off vide impugned order dated 13.12.2017 and thereafter the case was adjourned to 28.02.2018.

Learned counsel has failed to bring to the notice much less satisfy this Court qua any cogent reason for failing to file his written statement within stipulated time period even though the Court below granted him numerous opportunities. Learned counsel has not even been able to bring on record anything to suggest that the petitioner-defendant had been prevented from filing his written statement for reasons beyond his control.

In the circumstances, this Court does not find any illegality much less perversity in the impugned order.

Dismissed.

05.04.2022

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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