

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CR-368 of 2021(O&M)
Date of Order: 19.05.2022

Smt. Shashi

..Petitioner

Versus

M/s Kasturi Ram Science & Technological Park Limited

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Rathee, Advocate,
for the petitioner.

Mr. Kshitij Sharma, Advocate,
for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioner's defence was ordered to be struck off for not filing the written statement within the time prescribed under Order VIII Rule 1CPC. Such provision has already been interpreted by the Supreme Court in Salem Advocate Bar Association v. Union of India, AIR 2005 SC 3353/(2005) 6 SCC 344. It has been held that such provision is directory and not mandatory. The Court on the reasons recorded can extend the time limit beyond the 90 days grace period as well as. In only exceptional and rare cases such kind of extension shall be provided. The defence was struck off during the period when Covid-19 pandemic was at its peak.

Keeping in view the aforesaid facts, the order under challenge for striking off the defence on 21.01.2021, is set aside while granting one opportunity to the petitioner to file his statement of defence positively within a period of 15 days, from today, subject to payment of costs of Rs.5000/-.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

May 19, 2022

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(ANIL KSHETARPAL)
JUDGE

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