

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

Sr. No.108

CR No.4886 of 2022

Date of Decision: 22.11.2022

Amarnath

.... Petitioner

Versus

Gurpreet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Neeraj Jain, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 28.09.2022 (Annexure P-1) passed by the trial Court whereby the respondent/defendant has been allowed to file written statement along with counter claim beyond the stipulated period of 90 days prescribed under Order VIII Rule 1 of CPC.

The order records that the time taken by the defendant to file written statement was approximately 95 days. However, learned counsel for the petitioner contends that it was filed after 120 days.

Be that as it may, provisions of Order VIII Rule 1 of CPC are only directory and not mandatory. Merely because the defendant took some more time than prescribed to file the written statement, he can not be non-suited on that account. In case the trial Court has permitted him to file the written statement along with counter claim, no exception can be taken to the same.

Petition stands dismissed.

**(TRIBHUVAN DAHIYA)
JUDGE**

22.11.2022

Maninder

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No