

**S.No.114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.5070 of 2022

Date of Decision:11.11.2022

Paramjit Singh and others

.....Petitioners

Vs.

Balraj Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Punia, Advocate for the petitioners.

DEEPAK GUPTA, J.

By way of the impugned order dated 13.07.2022 (Annexure P.1), petitioner – defendants have been debarred from filing their written statement as period of 90 days had already elapsed. Prayer in this petition is to grant opportunity for filing the written statement by setting aside the impugned order.

Heard.

The written statement cannot be ordinarily filed beyond the period of 90 days as per Order 8 Rule 1 of the Code of Civil Procedure. However, the said provision is directory in nature as held by the Supreme Court in **Salem Advocates Bar Association, Tamil Nadu v. Union of India**, AIR 2005 SC 3353. Revision is accordingly accepted, subject to ₹5,000/- as costs payable by the petitioners- defendants to the plaintiffs- respondents by way of demand draft and also subject to the condition that only one effective opportunity shall be provided for filing the written statement to the petitioners- defendants, on the date to be fixed by the trial Court.

Disposed of.

November 11, 2022

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No