

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 6859 of 2019**

**Date of Decision: 31.08.2022**

Rahul and Another

... Petitioner(s)

Versus

Amit

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Ved Parkash, Advocate  
for the petitioner(s).

Mr. Sawan Chaudhary, Advocate  
for the respondent.

**Anil Kshetarpal, J.**

1. Through this revision petition, the interlocutory order passed by the trial Court, while striking off the petitioners' defence on account of non-filing of the written statement within a period of 90 days, has been challenged.

2. The trial Court has exercised the power under Order VIII Rule 1 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC"). In *Salem Advocate Bar Association. Tamilnadu v. Union of India (2005) 6 SCC 344*, it has been held that such a provision is directory and not mandatory in nature. The aforesaid judgment was delivered after the concerned provisions of the CPC were amended vide Amendment Act No. 46 of 1999 as well as Amendment Act of 2002.

3. The dispute is with regard to immovable property. The plaintiff has filed a suit for declaration to the effect that he is the owner in possession

of the suit land. Thus, substantial rights of the defendants are involved. The learned counsel representing the petitioners undertakes to file the written statement within a period of 15 days.

4. In view of the above, let petitioners file the written statement within a period of 15 days, subject to payment of costs of ₹5,000/- to be paid to the plaintiff. The orders, under challenge, are consequently modified.

5. With the observations made above, the present revision petition is disposed of.

**(Anil Kshetarpal)**  
**Judge**

**August 31, 2022**

**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No