

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CR-8209 of 2018
Date of Order: 05.05.2022

State Bank of India

..Petitioner

Versus

Harbhajan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. T.N.Sarup, Advocate, for the petitioner.
Mr. Dheeraj Mahajan, Advocate, for respondent no.1.

ANIL KSHETARPAL, J(Oral)

The trial Court after noticing that the petitioner-bank (defendant in a suit for recovery of Rs.4,00,000/-) has failed to file a written statement within a period of 90 days, struck off its defence. In this revision petition, further proceedings before the trial Court were stayed on 09.01.2019.

It has been asserted that the petitioner-bank could not file the written statement within the prescribed time as the lawyer did not inform the bank. It has been contended that the lawyer was not even issued any Vakalatnama (Power of Attorney).

The period of 90 days prescribed for filing written statement is not mandatory. It has been held in **Salem Advocate Bar Association vs. Union of India (2005) 6 SCC 344**, that such provision is only directory.

Keeping in view the aforesaid facts, the petitioner-Bank is permitted to file a written statement within a period of 15 days, from today, subject to payment of costs of Rs.10,000/- which shall be payable to the plaintiff.

The learned trial court is requested to make sincere endeavour for expeditious disposal of the suit.

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

May 05, 2022

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(ANIL KSHETARPAL)
JUDGE

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