

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

125

**CR-8231 of 2019 (O&M)
Date of decision: 05.12.2022**

Surjeet Singh and others

..Petitioners

Versus

Gurcharan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K.Khunger, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The prayer is to set aside the order dated 09.12.2019, passed by the Civil Judge (Jr. Division) Abohar, while striking off the petitioners' defence on account of non filing of the written statement.

There are as many as 13 contesting defendants in the suit. On 26.11.2019, the court issued a fresh notice to defendant no.5 and 13 for 09.12.2019. Whereas, defendant no.1,2,4, 6 to 11 were directed to file the written statement.

On 09.12.2019, the court struck off the petitioners' defence on the ground that the period of more than 40 days have elapsed.

Despite service of notice, the respondents-plaintiffs have chosen not to enter appearance.

This provision providing limitation for filing of the written statement has been held to be directory. In the considered view of the court, the petitioners should have been granted sufficient opportunity to file the written statement. At that time, the suit was fixed for completion of service.

Without going into the merits of the case, the revision petition is disposed of by granting one opportunity to the petitioners to file their written statement, subject to payment of costs of Rs.2000/-.

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

December 05, 2022
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(ANIL KSHETARPAL)
JUDGE

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