

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

**Civil Revision No. 1335 of 2023(O&M)
Date of Decision: 08.11.2023**

Sandeep Kumar**...Petitioner****Versus****Vishal Verma****...Respondent****CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Aalok Jagga, Advocate with
Mr. Harshit Anand, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/defendant against the order dated 31.10.2022 (Annexure P-1) wherein the defence of the petitioner has been struck off by the Court of Civil Judge (Jr.Divn.), Jalandhar in civil suit No. CS-2740 of 2021 titled Vishal Verma Vs. Sandeep Kumar.

2. The counsel for the petitioner submits that on receiving the notice of suit, petitioner appeared before the learned trial Court for the first time on 01.11.2021 and thereafter an application was filed by the petitioner seeking supply of documents from the other party. The said application was finally disposed of on 13.07.2022 and thereafter the impugned order was passed on 31.10.2022 as due to some unavoidable circumstances the petitioner failed to file his written statement. The counsel for the petitioner further submits that there was no intention on the part of the petitioner to prolong the proceedings in the suit. The counsel for the petitioner further made prayer that one last opportunity be given to the petitioner to file the written statement as the suit is at its initial stage and thus, no prejudice is going to be caused to the plaintiff/respondent.

3. I have considered the submissions made by counsel for the petitioner.

4. Proviso to Rule 1 Order 8 CPC is directory and not mandatory in nature and the time limit provided under statute for filing the written statement in civil proceedings could be extended by the Court. In **Bharat Kalra Vs. Raj Kishan Chhabra 2022(3) Apex Court Judgments (SC) 598**, the Hon'ble Supreme Court condoned delay of 193 days in filing of written statement. Again, the Hon'ble Apex Court in **Raj Process Equipments & Systems Pvt. Ltd. & Ors. Vs. Honest Derivatives Pvt. Ltd. 2023(1) RCR(Civil) 511** has reiterated that the time limit provided under statute for filing of a written statement is directory and not mandatory in nature.

5. Further, it is settled law that the procedural laws are meant for advancing substantial justice and should not be invoked to obstruct the judicial proceedings simply on hyper-technical grounds.

6. In light of the above, this Court is of the considered opinion that the impugned order is liable to be set aside. Consequently, without commenting on the merits of the case, the instant revision petition is allowed and impugned order Annexure P-1 is set aside and petitioner is granted one opportunity to file the written statement subject to cost of Rs.10,000/- which is to be paid to the other party on the next date of hearing.

7. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he feels dis-satisfied with this order, he may move an application to recall the same.

08.11.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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