

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 4886 of 2023(O&M)
Date of Decision: 29.08.2023

Uttari Haryana Bijli Vitran Nigam Ltd.& Anr.

...Petitioners

Versus

Surender Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ajit Malik, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioners/defendants against the order dated 26.07.2023 (Annexure P-1) passed by the Court of Civil Judge (Sr. Divn.), Panipat in civil suit titled Surender Singh Vs. UHBVNL & Ors. having CIS No. CS-210 of 2023, whereby the defence of the petitioners has been struck off.

2. The counsel for the petitioners, *inter alia*, submits that the aforesaid civil suit has been filed by the respondent against the petitioners and on receipt of notice the petitioners put in their appearance on 21.02.2023 and then the case was adjourned to 06.05.2023 for filing of written statement and then adjourned to 26.07.2023 for the same purpose and finally on 26.07.2023 when the petitioners failed to file their written statement, the learned trial Court passed impugned order whereby the petitioners were

precluded from filing written statement and reply to stay application. The counsel for the petitioners further submits that there was no intentional delay on the part of the petitioners to file their written statement and it will cause grave prejudice if the petitioners are not permitted to file the written statement. So, prayer is made that one more opportunity be given to the petitioners to file their written statement and that the written statement is ready for filing.

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

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. In the light of settled position of law, as discussed above, the present petition is allowed and impugned order is set aside and one last opportunity is granted to the petitioners to file written statement within next 15 days subject to costs of Rs.5000/- which is to be deposited by the petitioners with the District Legal Services Authority, Panipat before filing of the written statement.

6. Keeping in view the circumstances mentioned above, this petition is being disposed of without issuing any notice to the opposite party. If

respondent is summoned to contest this litigation, he will have to incur huge expenses to defend this case. However, liberty is granted to the respondent that if he feels dissatisfied with this order, he may move an application to recall the same.

29.08.2023

Jiten

(KARAMJIT SINGH)
JUDGE

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