

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

**Civil Revision No. 6142 of 2023(O&M)
Date of Decision: 30.10.2023**

Gurdeep Singh & Anr.

...**Petitioners**

Versus

Sukhjeet Kaur & Ors.

...**Respondents**

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. J.S. Dadwal, Advocate
For the petitioners.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioners/defendants No.3 and 4 against the order dated 04.08.2023 (Annexure P-1) passed by the Court of Addl. Civil Judge (Sr. Divn.), Amritsar in civil suit titled Sukhjit Kaur Vs. LIC & Ors., having CIS No. CS-1826 of 2022, 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 respondents No.1 and 2 against the petitioners and respondents No. 3 and 4 and on receipt of notice the petitioners put in their appearance on 18.11.2022 and then the case was adjourned for filing of written statement. The counsel for the petitioners further submits that the petitioners are more than 73 years of age and are suffering from multiple ailments and are unfortunate parents of deceased Harpal Singh and that respondent No.1 is widow of said Harpal Singh and

she is claiming the entire amount of insurance policy of the deceased. The counsel for the petitioners further submits that there was no intentional delay on the part of the petitioners to file the 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 the 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 by the next date fixed in the civil suit subject to costs of Rs.7500/- which is to be paid by the petitioners to respondent No.1 on the next date of hearing 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

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

30.10.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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