

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

2024:PHHC:045276

CR-308-2020

Date of decision: 04.04.2024

MAHA SINGH

..Petitioner

Versus

NIRMALA DEVI AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ranvijay Singh, Advocate
for the petitioner.

Mr. Ashish Gupta, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The petitioner's defence has been struck off by the trial Court for failure to file written statement within a period of 90 days as prescribed under Order VIII Rule 1 of the Code of Civil Procedure, 1908.

2. In **Salem Bar Association, Tamil Nadu Vs. Union of India, 2002(4) RCR (Civil) 786**, the Supreme Court has held that such provision is not mandatory but directory. Efforts are required to be made to decide the cases expeditiously.

3. The respondents have filed a suit for grant of decree of possession with a consequential relief of permanent injunction with respect to the immovable property. It has been asserted that the petitioner did engage a counsel, however, on account of his pre-occupation in election, he did not file the written statement.

4. In such cases, the Court is required to taken a holistic view while adopting a pragmatic approach.

5. Keeping in view the aforesaid fact, the revision petition is allowed. The impugned order dated 23.10.2019 is set aside.

6. The petitioner is granted an opportunity to file the written statement on or before the next date of hearing i.e. 12.04.2024, subject to the payment of cost of Rs.1,000/- to be paid to the other party.

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

April 04th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

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