

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1336 of 2024 (O&M)

Date of Order:04.03.2024

Sukhwinder Kaur and others

.Petitioners

Versus

Veerinder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tanvir Singh Grewal, Advocate
for the petitioners.**ANIL KSHETARPAL, J**

1. The petitioners herein(defendants before the trial court) have failed to file their written statement within the stipulated time resulting in striking off their defence. It is evident that the petitioners were granted more than 90 days for filing the written statement, however they failed.

2. In order to expedite the disposal of the cases, an amendment in the Code of Civil Procedure, 1908, was made by the Parliament. However, more often than not the parties fail to file the written statement within the limitation period, and then seek relief from the higher courts. In these circumstances, the courts are required to maintain a balance and take steps to ensure that the procedural rules are not taken lightly.

3. In cases like these, a genuine claim of the party may suffer on account of default in filing the written statement within the limitation period provided, however, on the other hand, some times, the delay results in denial of justice. Number of such revision petitions are being filed in the higher courts resulting in further delay in the delivery of justice at the earliest.

4. The learned counsel representing the petitioners submits that the

written statement has already been drafted, however, it is required to be signed by the parties and the same can be presented in the court within shortest possible time. He submits that the case is now fixed for the plaintiffs' evidence on 26.04.2024.

5. Keeping in view the aforesaid facts, the petitioners are granted one opportunity to file their written statement within a period of one week, from the date of this order, subject to costs of Rs.10,000/- which shall be paid to the plaintiffs by way of demand draft. If the written statement is not filed within the aforesaid period, the revision petition shall be deemed to have been dismissed without further reference to this court.

6. With these observations, the revision petition is disposed of.

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

March 04, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO