

2024:PHHC:039289
**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1746-2024 (O&M)
Date of decision: 19.03.2024

Sukhwinder Singh

....Petitioner

Versus

Narinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Rekha, Advocate for
Mr.Lovejit Singh, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. In this revision petition, the defendant challenges the correctness of the order striking off his defence by the trial court on account of failure to file the written statement within the prescribed time. The petitioner is defending the plaintiff's suit for the grant of separate possession by way of partition. In order to expedite the disposal of the civil cases, the Legislature has made an amendment in the Code of Civil Procedure, 1908 providing maximum period of 90 days for filing the written statement. In this case the petitioner has failed to file the same within the prescribed time. In **Salem Advocate Bar Association vs. Union of India (2005) 6 SCC 344**, the Supreme Court held that such period is not mandatory and in the facts and circumstances of the case, the court can extend the said period. The suit was filed in the year 2023.

2. Keeping in view the aforesaid facts, another opportunity is granted to the petitioner to file the written statement, within a period of 10 days, from today, subject to the payment of Rs.5,000/- which shall be

a condition precedent for entertaining the written statement on behalf of the petitioner. The amount of Rs.5,000/- shall be paid to the respondents.

3. With these observations, the present petition is disposed of.
4. All the pending miscellaneous applications, if any, are also disposed of.

19.03.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE