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

CR-6585-2024

Date of decision: 12.11.2024

Rohit

...Petitioner

Versus

Harmial Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 13.09.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), SAS, Nagar in CS No.845/2023 instituted on 12.09.2023 titled as “Harmail Singh Vs. Rohit”.

2. Learned counsel for the petitioner has submitted that in the present case, as is apparent from the impugned order, the petitioner had put in appearance for the first time on 17.10.2023 and thereafter, had sought adjournment to file written statement as he was trying his best to get the relevant record for the purpose of filing effective written statement. It is submitted that it has been held that the provision under Order 8 Rule 1 CPC is directory in nature and not mandatory. It is further submitted that in case the petitioner is not granted an opportunity to file written statement then irreparable loss would be caused to him and has further stated that in case an opportunity is granted to the petitioner, he would file written statement within a period of 15 days from today. It is further submitted that the petitioner has



deposited the costs of Rs.500/- as imposed to him vide order dated 13.09.2024 by the trial Court. It is submitted that for the delay caused in the proceedings, the petitioner is ready to compensate the respondent-plaintiff.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity can be granted to the petitioner to file written statement and accordingly, impugned order dated 13.09.2024 to the extent that defence of the petitioner has been struck off is set aside and the petitioner is granted one last opportunity to file written statement within a period of 15 days from today and same would be subject to the petitioner depositing costs of Rs.15,000/- within a period of 15 days from today. The trial Court would disburse the said costs to the respondent-plaintiff.

4. It is made clear that in case the written statement is not filed within the aforesaid period and the abovesaid costs of Rs.15,000/- is not deposited within the aforesaid period, then the present revision petition would be deemed to have been dismissed.

5. In view of what has been observed above, the present revision petition is partly allowed.

6. In the present case, no notice is being issued to the respondent as issuance of notice to him would further delay the proceedings and would also entail the expenses for respondent to defend the present revision petition. However, it would be open to respondent to move an application for recalling of the present order in case any of the statement made before this Court is found to be false/incorrect.

12.11.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No