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

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Date of decision :22.09.2025

MANPREET SINGH

... PETITIONER

VERSUS

MANOJ KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vipin Kumar Sharma, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The petitioner is aggrieved by the impugned order dated 31.07.2025 (Annexure P-5), passed by the learned Civil Judge (Junior Division), Jalandhar, whereby the application filed on behalf of the plaintiff-petitioner for striking off the defence of the defendant-respondent was dismissed.
2. Suit for permanent injunction by the plaintiff-petitioner restraining the defendants from interfering in the peaceful possession of the plaintiff-petitioner from the suit property was filed on 06.06.2024. The defendant-respondent appeared before the learned Court of first instance on 01.07.2024. Thereafter, the matter was adjourned repeatedly for filing of the written statement on 26.07.2024, 14.08.2024, 06.09.2024, and 08.10.2024. On 08.10.2024, instead of filing the written statement, the defendant-respondent moved an application seeking supply of documents along with a copy of the plaint. In response, the plaintiff-petitioner filed an application seeking striking off the defence of the defendant-respondent due to non-filing of the written statement within the



prescribed statutory period. The requisite documents were supplied by the plaintiff-petitioner on 03.12.2024, and the written statement was eventually filed by the defendant-respondent on 14.02.2025. Though a copy of the written statement was supplied to the plaintiff-petitioner, no objections regarding delay or justification thereof were raised or recorded by the learned Trial Court at that stage. Subsequently, vide impugned order dated 31.07.2025, the application filed by the plaintiff-petitioner for striking off the defence of the defendant-respondent was dismissed.

3. Learned counsel for the plaintiff-petitioner has contended that the defendant-respondent cannot be permitted to take advantage of his own inaction and delay, and that extension of time for filing the written statement beyond the prescribed period of 90 days could not have been granted by the learned Trial Court, being contrary to the mandate of Order 8 Rule 1 of the Code of Civil Procedure, as interpreted by the Hon'ble Supreme Court.

4. On consideration, I find no merit in the present petition, as before the expiry of the prescribed 90-days period, the defendant-respondent had duly moved an application raising the grievance that the documents, including the copy of the plaint, had not been supplied. Thereafter, upon receipt of the said documents from the plaintiff-petitioner, the defendant-respondent duly filed the written statement. Notably, no objection was raised by the plaintiff-petitioner at the time of filing of the written statement, and the same was accepted by the learned Trial Court without protest. Period of 90 days is directory and not mandatory. When application for supply of documents was not opposed the defendants cannot be held for delay in filing written statement.

5. In these circumstances, the application preferred by the plaintiff-petitioner on 08.10.2024 had become infructuous and was, therefore, rightly



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rejected by the learned Court of first instance. Learned counsel for the plaintiff-petitioner is more aggrieved by the fact that no cost was imposed upon the defendant-respondent while permitting the filing of the written statement.

6. However, I do not find it appropriate to interfere in the present case merely for the purpose of imposing costs.

7. Disposed of accordingly.

22.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No