

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

\*\*\*\*

**CR-2960-2025 (O&M)**  
**Date of Decision: 15.05.2025****ER. ARUN GARG**

. . . . Petitioner

**Vs.****MOHIT GOYAL AND ANOTHER**

. . . . Respondents

\*\*\*\*

**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

\*\*\*\*

Present: - Er. Arun Garg, Petitioner-in-person  
(through Video Conference)

\*\*\*\*

**DEEPAK GUPTA, J.**

Petitioner herein is the plaintiff in Civil Suit titled 'Arun Garg Vs. Mohit Goyal' (CS-19685-2023), pending before the Court of learned Civil Judge (Jr. Division), Ludhiana. He is aggrieved by the order dated 11.02.2025 (Annexure P7)s, whereby an application moved by him to strike off the defence of defendants and to take off the written statement from the records, was declined.

2. It is contended by the petitioner, appearing in-person through video conferencing, that he had filed the suit for damages against the defendants and that defendants had put in appearance on 22.02.2024 through counsel Mr. Jaswant Singh and then the matter was adjourned to 22.04.2024 for filing of power of attorney and written statement. However, written statement was not filed on 22.04.2024 and so, the matter was adjourned to 02.07.2024. The written statement was then filed by the defendants on 02.07.2024, which was beyond the period of 90 days, as permissible under Order VIII Rule 1 CPC and therefore, it was liable to be taken off from the record; and that defence of the defendants was also liable to be struck off and in the circumstances, the trial Court committed error in rejecting the application of the petitioner-plaintiff to that effect.

3. After hearing the petitioner in-person, I find no merit in the petition. Order VIII Rule 1 CPC reads as under: -

“**Written Statement.**—The Defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:

Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.”

4. Perusal of the abovesaid provision would reveal that though the written statement is to be filed within 30 days from the date of service of summons upon the defendants, but as per the proviso, defendant may be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded, which shall not be later than ninety days from the date of service of summons.

5. In this case, defendants had put in appearance on 22.02.2024 through their counsel and the Court adjourned the matter to 22.04.2024. When the written statement was not filed on 22.04.2024, it is the Court, which fixed the next date of hearing to be 02.07.2024 i.e., after summer vacations. It is not that the defendants were ready with written statement within 90 days and rather, it is on the date as fixed by the Court that they filed the written statement on 02.07.2024.

6. Once, it is found that Court had specified a specific date for filing of the written statement, on which it was filed, therefore, the application to take off the written statement from records, and to strike off defence of the defendants, has been rightly declined by the trial Court.

7. As such, finding no merit in the present revision, the same is hereby dismissed.

15.05.2025

*Vivek*

**(DEEPAK GUPTA)  
JUDGE**

Whether speaking/reasoned? **Yes**  
Whether reportable? **No**