



CR-5716-2025 (O&M)

-1-

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

-.-

**CR-5716-2025 (O&M)
Decided on :-25.08.2025**

Beer Singh @ Veer Singh

...Petitioner

VERSUS

Kuldeep Singh

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Shashikant Gupta, Advocate for the petitioner.

-.-

MANDEEP PANNU J.

1. The present revision petition has been preferred against the impugned order dated 24.07.2025 passed by the Trial Court whereby the defence of the defendant-petitioner was struck off for the reason that the defendant-petitioner failed to file the written statement even after the expiry of 90 days.
2. Learned counsel for the defendant-petitioner would contend that the respondent-plaintiff preferred a suit for recovery of Rs.14,63,000/- (Principle Amount 14,00,000 and interest Rs.63,000/- @8% per annum from 10.04.2024 to 09.07.2024). It is further contended that only two opportunities were granted to the defendant-petitioner for filing written statement and ultimately on 24.07.2025 the defence of the defendant-petitioner was struck off. It is further the contention that if the defendant-petitioner is given one opportunity, he would file the written statement and he is willing to compensate the plaintiff-respondent by way of costs.
3. I have heard learned counsel for the petitioner and gone through the record of the case in hand.



CR-5716-2025 (O&M)

-2-

4. The defence of the defendant/petitioner in the present case has been struck-off on the ground that despite the period of 90 days having elapsed, the written statement was not filed.

5. Hon'ble Supreme Court in the case of **Desh Raj vs. Balkishan (D) through proposed LR Ms. Rohini [(2020) RCR (Civil) 807]** had also examined the timeline for filing of written statement and laid down that in a non-commercial dispute matter, the unamended provision of Order VIII Rule 1 CPC continues to be directory and does not do away with the inherent discretion of the Courts to condone delay.

6. In view of above and in view of the settled law that the provision of Order VIII Rule 1 CPC, in the case of non-commercial suits, is only directory in nature and not mandatory, I am of the considered opinion that ends of justice would be adequately met if one opportunity is granted to the defendant-petitioner for filing written statement on the date to be fixed before the learned trial Court. No prejudice would be caused to the other side in case the suit is decided on merits, after affording due opportunity to contest the same. It is settled law that the procedural law is always subservient to and is in aid of justice.

7. Resultantly, the present revision petition is allowed. The impugned order dated 24.07.2025 passed by the learned trial Court is set aside and one effective opportunity is granted to the defendant-petitioner to file his written statement on or before the date fixed before the learned trial Court subject to payment of Rs.5,000/- as costs to be paid to the plaintiff-respondent. It is made clear that failing to file the written statement in terms of this order, the petitioner would not be entitled to any further opportunity for the said purpose and the trial Court would proceed with the matter without this order having any bearing on trial.



CR-5716-2025 (O&M)

-3-

8. The revision petition is disposed of in the aforesaid terms.
9. Pending applications, if any, also stand disposed off.

August 25, 2025

tripti

(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No