



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

**CR-3072-2025(O&M)
Date of Decision: July 22, 2025**

State of Haryana and another

...Petitioners

Versus

Rampal Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Ambika Luthra, Addl. Advocate General, Haryana
for the petitioners.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 03.02.2023 (Annexure P-1) passed by learned trial Court, whereby, the defence of the petitioners-defendants was struck off and further order dated 02.02.2024, whereby, an application for review of the order dated 03.02.2023 was dismissed.

In view of the observations, which are to be followed further, this Court deems it appropriate to dispose of the present revision petition, even without issuance of notice to the respondents.

The essential facts, as culled out from the paperbook are as follows:-

That, initially, a suit was filed by the respondents-plaintiffs, wherein, State of Haryana and Naib Tehsildar were impleaded as defendants.



However, the petitioners (who were defendants before the trial Court) did not file written statement and under constrained circumstances, the defence of the defendants was struck off vide order dated 03.02.2023, which is reproduced in verbatim, as herein given:-

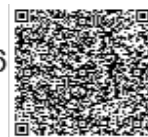
*“Written statement and reply on behalf of defendant not filed. A request for adjournment has been made on behalf of defendant to submit the written statement and reply to injunction application. No tenable justification has been given on behalf of defendant while seeking adjournment. The mandatory period of 90 days has already expired since appearance was filed on behalf of the defendant. **In such a scenario, defense of defendant is hereby struck off.** From pleading of the parties, the following issues are framed :-*

- 1 Whether the plaintiff is entitled for decree of declaration as prayed for, in view of the grounds mentioned in the plaint? OPP*
- 2 Whether the plaintiff is entitled for decree of permanent injunction as prayed for in view of the grounds mentioned in the plaint?OPP*
- 3 Relief.*

No other issue is pressed or claimed. Onus of proof not objected to. Now, to come up on 17.3.2023 for evidence of plaintiff. DM, list of witnesses be filed within seven days, failing which plaintiff shall be liable to lead evidence at his own responsibility.”

Thereupon, an application was filed at the instance of the petitioners for seeking review of the order dated 03.02.2023 and this application was also dismissed by the trial Court vide order dated 02.02.2024.

Being aggrieved, the petitioners-defendants have filed the

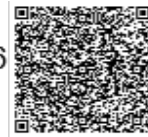
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present revision petition.

At the very outset, it is pertinent to mention that no specific reason is assigned by the petitioners, for not filing the written statement, within a period of 90 days. As evident from the impugned order, the suit for declaration with consequential relief of permanent injunction was filed by the respondents-plaintiffs on 02.09.2022 and the case was further adjourned for 16.09.2022 for issuance of notice. On 16.09.2022, government pleader had appeared on behalf of the petitioners-defendants and the case was further adjourned for filing of the written statement for 02.12.2022. On 02.12.2022, written statement as well as reply was not filed and the case was adjourned further for 20.01.2023, for the same purpose and it was last opportunity given to file the reply to the injunction application as well as the written statement.

However, despite last opportunity, written statement and reply to the injunction application was not filed on 20.01.2023 and the case was adjourned for 03.02.2023. On 03.02.2023, neither the written statement and reply were filed, nor the costs of Rs.100/-, which was imposed upon the petitioners-defendants was deposited. Consequently, as observed aforesaid, the defence of the petitioners-defendants was struck off. Thereafter, the case was further adjourned by the trial Court for evidence of the plaintiff for 17.03.2023, then for 12.05.2023, 04.08.2023 and it was only on 04.08.2023, an application was filed for review of the order, whereby, the defence was struck off.

There is no reason, as such, assigned, as to why, so much of



time was consumed by the petitioners-defendants to file an application, for seeking review of the order. No reason, as such, is assigned by learned State counsel today also. It has been rightly observed by the trial Court about the approach of the petitioners-defendants to be very casual towards the Court proceedings and despite last opportunity and imposition of cost, no steps were taken to file the written statement and the reply. Even, after striking off the defence also, there was long silence maintained and it took about six months to the petitioners-defendants, to file an application. Even, in the application, there in no such bonafide reason coming forth, which is still a casual approach, on the part of the petitioners.

Very true, as pointed out by learned counsel that the time bound provision of 90 days is not mandatory, but however, it is pertinent to mention that the purpose of providing the time schedule for filing the written statement under Order VIII Rule 1 CPC, is to expedite and not to scuttle the hearing. The provision spells out a disability on the part of the defendant. It does not impose an embargo on the power of the Court to extend the time. Though, the language of the proviso to Rule 1 of Order VIII CPC is couched in negative form, it does not specify any penal consequences, flowing from the non- compliance. Thus, the Court has power to extend time for filing the written statement, beyond the time schedule provided by Order VIII Rule 1 CPC and the same, as such, cannot be taken away. However, from the order dated 03.02.2023, as reproduced aforesaid, it is evident that the Court had granted several opportunities to the petitioners-defendants to file the written statement and it has been already

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observed that period of 90 days expired. Since, there was no specific reason assigned for inability to file the written statement and reply, therefore, learned trial Court was constrained to pass an order, striking off the defence of the petitioners-defendants.

Not only this, as observed aforesaid, thereafter also, despite the case having been adjourned for multiple times for the plaintiffs' evidence, no steps were taken by the petitioners to immediately resort to the review application and seek an opportunity to file written statement. It was only after a period of six months, since the striking off the defence, that the application was filed.

In the given circumstances, this Court, as such, cannot come to the rescue of the petitioners, only on account of being government authorities. As such, learned trial Court has correctly appraised the manner of the proceeding of the case pending before it and had dismissed the application. In the light of the same, the impugned order warrants no interference. Hence, the revision petition sans merit and is hereby dismissed.

July 22, 2025

Vgulati

Whether speaking/reasoned

Whether reportable

(ARCHANA PURI)**JUDGE****Yes****Yes/No**