



CR-6324-2025 (O&M)

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

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**CR-6324-2025 (O&M)
Decided on :- 10.09.2025**

Shriram Finance Limited and AnotherPetitioners

VERSUS

Charanjiv SinghRespondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Vinod Kumar Arya, Advocate for the petitioners.

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MANDEEP PANNU J.

1. The present revision petition has been preferred against the impugned order dated 17.07.2025 passed by the learned Civil Judge, Junior Division, Ferozpur, whereby the defence of the petitioners/defendants was struck off on the ground that statutory period of 90 days for filing written statement has already been passed.

2. Learned counsel for the petitioners/defendants would contend that the respondent-plaintiff preferred a suit for declaration to the effect that office orders i.e. Show Cause Notice dated 26.09.2024, charge-sheet cum suspension services dated 04.10.2024 & Final Enquiry dated 21.12.2024 are illegal and null and void. It is further contended that upon notice petitioners appeared before the trial Court on 08.04.2025. However, he fairly conceded that despite the numerous opportunities, the petitioners/defendants have failed to file the written statement, but they never had any intention not to file the written statement. He further submits that the matter is now fixed for plaintiff's evidence and in the absence of any written statement, the petitioners/defendants will be precluded from putting forth their defence. It is further contended that if the petitioners/defendants be



given one opportunity, they would file the written statement and they are willing to compensate the respondent-plaintiff by ways of costs as.

3. I have heard learned counsel for the petitioners and gone through the record of the case in hand.

4. The defence of the defendants/petitioners 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 defendants/petitioners for filing their 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, in view of law laid down above and keeping in view the contention of learned counsel for the petitioners, the present revision petition is allowed in the interest of justice. The impugned order dated 17.07.2025 passed by the learned trial Court is set aside and one effective opportunity is granted to the

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petitioners/defendants to file their 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 by the petitioners to respondent– plaintiff before the learned trial Court. It is made clear that failing to file the written statement in terms of this order, the petitioners 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.

8. The revision petition is allowed in the aforesaid terms.
9. Pending application(s), if any, also stand disposed of.

September 10, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No