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

CR-4670-2025 (O&M)

Date of Decision : 06.08.2025

RANDHIR SINGH

.... Petitioner

VERSUS

M/S ASTRO CORPORATION GRAIN MARKET

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abdul Aziz, Advocate for the petitioner.

Mr. Vansh Chawla, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed for setting aside the order dated 28.04.2025 passed by the Trial Court vide which the defence of the defendant-petitioner was struck off for non-filing of the written statement.

2. Learned counsel for defendant-petitioner has contended, as noticed in the order dated 23.07.2025, that given one opportunity the defendant-petitioner would file his written statement. Today also learned counsel for the defendant-petitioner states that given one opportunity the defendant-petitioner would file his written statement on or before the next date of hearing fixed before the Trial Court i.e. 23.09.2025.

3. *Per contra*, learned counsel for the plaintiff-respondent would contend that the defendant-petitioner is a lessee and is in arrears of rent. Learned counsel would further contend that despite numerous opportunities,

the written statement was not filed only in an endeavour to delay the proceedings hence his defence was rightly struck off and no fault can be found with the impugned order.

4. Heard.

5. The Hon'ble Supreme Court in the case of **Desh Raj vs. Balkishan (D) through proposed LR Ms. Rohini [(2020) RCR (Civil) 807]** has held as under :

“ANALYSIS & CONCLUSION

11. At the outset, it must be noted that the Commercial Courts Act, 2015 through Section 16 has amended the CPC in its application to commercial disputes to provide as follows:

“16. Amendments to the Code of Civil Procedure, 1908 in its application to commercial disputes.-

(1) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, in their application to any suit in respect of a commercial dispute of a Specified Value, stand amended in the manner as specified in the Schedule.

(2) The Commercial Division and Commercial Court shall follow the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Act, in the trial of a suit in respect of a commercial dispute of a specified value.

(3) Where any provision of any Rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908, by the State Government is in conflict with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), as amended by this Act, the provisions of the Code of Civil Procedure as amended by this Act shall prevail.”

12. Hence, it is clear that post coming into force of the aforesaid Act, there are two regimes of civil procedure. Whereas commercial disputes [as defined under Section 2(c) of the Commercial Courts Act, 2015] are governed by the CPC as amended by Section 16 of the said Act; all other noncommercial disputes fall within the ambit of the unamended (or original) provisions of CPC.

13. The judgment of Oku Tech (supra) relied upon the learned Single Judge is no doubt good law, as recently upheld by this Court in SCG Contracts India Pvt. Ltd. v. KS Chamankar Infrastructure Pvt. Ltd., AIR 2019 SC 2691, but its ratio concerning the mandatory nature of the timeline prescribed for filing of written statement and the lack of discretion with Courts to condone any delay is applicable only to commercial disputes, as the judgment was undoubtedly rendered in the context of a commercial dispute qua the amended Order VIII Rule 1 CPC.

14. As regard the time-line for filing of written statement in a non commercial dispute, the observations of this Court in a catena of decisions, most recently in Atcom Technologies Ltd. v. Y.A. Chunawala and Co., (2018) 6 SCC 639 holds the field. Unamended Order VIII Rule I, CPC continues to be directory and does not do away with the inherent discretion of Courts to condone certain delays.”

6. Keeping in view the nature of the suit which is for possession and to do complete justice between the parties, this Court deems it appropriate to grant one opportunity to the defendant-petitioner to file his written statement on or before the date fixed before the Trial Court i.e. 23.09.2025 subject to payment of ₹30,000 (rupees thirty thousand) as costs to be paid to the plaintiff-respondent. The payment of costs shall be a condition precedent for filing of the written statement. However, it is made clear that in case the written statement is not filed on or before 23.09.2025 or the costs are not paid, the present revision petition shall be deemed to having been dismissed.

7. Petition stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

8. Needless to say that any observations made herein shall not be treated as an expression of opinion on the merits of the case.

06.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

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