

[CPC](#), 1908 Order 8, Rule 1 - Though the order does not mention any provision invoked, but power can be traced to Order VIII Rule 1 CPC - Amended Order VIII Rule 1 CPC provides 30 days for filing written statement and 90 days of grace period on showing sufficient cause for delay, which is collectively 120 days, whereas the defence of the petitioner/defendant No.3 and defendant No.1 has been struck off after 97 days - Impugned order was passed, which has consequently been handed down rather carelessly and hastily without apparent acquaintance with the law on the subject which requires mere calculation of days from the date of service - This is not to say that during the cushion period of 90 days beyond the initial 30 days, an explanation is not required to be furnished by the defendant/s of the reason which caused the delay - Those facts must exist on record and be taken into consideration by passing a speaking order.

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