

[CPC](#), 1908 Order 8, Rule 1 – Non-filing of written statement – Defence struck off – But without giving a fair and reasonable opportunity to the defendants to explain the delay in presenting the written statement, the trial Court one fine day struck off the defence of the petitioner leading ultimately to lot of wastage of time not only of the parties”, but its own time and that of this Court to pass this order only after first time in understanding the grouse – A Civil Judge (Senior Division) should not pass such orders as their inevitably lead to failure of justice.

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