

Court No. - 4

Case :- CIVIL REVISION No. - 124 of 2023

Revisionist :- Rajeev Kumar Dublish And 2 Another

Opposite Party :- Sunil Kumar Dublish

Counsel for Revisionist :- Shiv Sagar Singh

Hon'ble Prakash Padia,J.

1. The revisionists have preferred the present revision challenging the order dated 09.09.2023 passed by the Civil Judge (Senior Division) Meerut in Misc. Case No.556 of 2022 (Sunil Kumar Dublish Vs. Ramesh Chandra Dublish and others).

2. It reveals from perusal of the record that Application No.3C2 was filed by the plaintiff in the aforesaid suit under Order 9 Rule 4 C.P.C. with the prayer to recall the order dated 12.10.2022 by which the suit No.782 of 2006 was dismissed in default. It is argued that the aforesaid application has been listed before the Lok Adalat and the Lok Adalat without applying its judicial mind and without given any cogent reason, recall the order dated 12.10.2022. It is argued that the copy of the aforesaid application never served upon the revisionists who are the defendants in the aforesaid suit. It is argued that the order impugned has been passed without providing any opportunity of hearing to the revisionist/defendants.

3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

4. Heard learned counsel for the revisionist and perused the record.
5. In the facts and circumstances of the case, this Court is of the opinion that since the order dated 09.09.2023 has been passed without providing any opportunity of hearing to the revisionists, the same is liable to be set aside and the same is set aside.
6. The Court below before whom the Application No.3C2 is pending is directed to decide the aforesaid application strictly in accordance with law but after providing opportunity of hearing to all the parties concerned.

Order Date :- 11.12.2023

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