

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

Civil Revision No.1046 of 2015

Date of decision: 10.03.2015

Ravinder Pal Kaur

... Petitioner

versus

Amarjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishal Gupta, Advocate,
for the petitioner.

None for the respondents.

K. Kannan, J. (Oral)

1. The revision is against the order dismissing an application to set aside the ex parte order. The court shall always be liberal in construing the application under Order 9 Rule 7 CPC and shall not fetter itself from exercising the discretion which vests in it to set aside the ex parte orders and allow for continuation of trial. If the court finds that the party is deliberately allowing the proceedings to go ex parte only to gain time, it will invoke even power to impose necessary cost to compensate the other side who is taunted by the delaying tactics adopted by a party. However, if a party says that his absence in court was due to ill-health, the court will not adopt needless tough stand and inflict upon the parties the trouble of having to approach the court for orders. The court must remind itself

that its own orders must be tempered with justice for a person complaining of ill-health and will not pass orders that can cause a very serious prejudice. The ex parte already passed is set aside. The defendant shall be permitted to take part in the course of proceedings before the trial Court in accordance with law.

2. The impugned order is set aside and the civil revision is allowed.

(K.KANNAN)
JUDGE

10.03.2015
sanjeev