

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

CR-2021 of 2015

Date of Decision: December 14, 2015

Narinder Singh

...Petitioner

vs.

Kuldeep Kaur(deceased) through her LR & another

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Kanwal Goyal, Advocate
for the petitioner.

Mr. Ishwar Lal, Advocate
for respondent No.1.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision is the order dated 22.01.2015 (Annexure P-2) passed by learned Additional Civil Judge(Sr. Divn.), Rajpura .

It comes out that plaintiff/respondent had filed suit for possession by way of specific performance of agreement to sell dated 25.09.1998. Suffice to say that the present petitioner, who is defendant No.2 before the lower Court is stated to be NRI. He was served through publication in the newspaper and was proceeded against *exparte* on 13.08.2014. He filed the present application for

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setting aside *exparte* proceedings on 07.10.2014 that is after the expiry of 30 days.

Without going into the controversy regarding delay in filing the application and whether the present petitioner was in the country or outside the country, it is deemed appropriate, that since it is a suit for specific performance of agreement to sell, it should be decided on merits. Therefore, the *exparte* proceeding against the present petitioner/defendant no.2 is set aside, subject to costs of Rs. 5000/- payable to the plaintiff.

Revision is accordingly allowed.

December 14, 2015
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(KULDIP SINGH)
JUDGE