

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

Civil Revision No.2296 of 2014

Date of decision: 17.03.2015

Harbans Kaur

... Petitioner

versus

Ranveer Chand and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Inderjeet Sharma, Advocate,
for respondent No.1.

K.Kannan, J. (Oral)

1. The petition for setting aside an ex parte order of the legal representatives of the deceased-defendant was dismissed. The application for impleadment was brought at the instance of the petitioners themselves and they ought to have therefore known that the case was pending. There is simply no justification to allow the order to be passed ex parte. The argument that no notice had been sent is meaningless, for, they were themselves applicants for impleadment and no notice was necessary after such impleadment.

2. Though I am not convinced of the reason for their remaining ex parte, the court shall always be liberal in construing application under Order 9 Rule 7 CPC and will not apply strict

approach as the court may be justified in doing in consideration of applications under Order 9 Rule 9/Order 9 Rule 13 CPC. The plaintiffs appear to have given their evidence and for the inconvenience caused by the petitioners, I direct costs of ₹10,000/- to be paid for setting aside the ex parte order and for availing to themselves the opportunity to cross-examine the plaintiffs who have tendered their evidence in chief. The payment shall be made within a period of 4 weeks. If the amount is not paid to the plaintiffs as directed, the order passed already shall stand restored.

3. The order passed by the court below is modified and the civil revision is allowed to the above extent.

(K.KANNAN)
JUDGE

17.03.2015
sanjeev