

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

Civil Revision No.2433 of 2014

Date of decision: 28.09.2015

Baljit Singh and another

... Petitioners

versus

Gurcharan Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Sonia G. Singh, Advocate,
for the petitioner..

Mr. Tribhawan Singla, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. Order 9 Rule 7 CPC application was dismissed which was filed at the instance of the defendant. Courts shall always be liberal in construing applications under Order 9 Rule 7 CPC. If the court shall take time to pass even an ex parte decree for 3 years, it is inconceivable that it could have disposed of the case if the party had entered appearance. The conduct of the court in not making time to even pass ex parte decree shows the ability of the Presiding Officer and I will not let the court's laches to come in the way of the defendant to seek for adjudication on merits.

2. The order passed is set aside on condition that the defendant-petitioner pays ₹10,000/- as costs to the plaintiff within a period of 4 weeks from the date of receipt of copy of this order.

3. The revision petition is allowed and the petitioner is directed to file a written statement within a period of 4 weeks from today if it has not already been done and if the defendant fails to avail this opportunity, the defence will be taken as struck off and the court shall proceed with the disposal of the case in accordance with law.

(K.KANNAN)
JUDGE

28.09.2015
sanjeev