

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.2615 of 2014 (O&M)

Date of decision: 07.12.2015

Avtar Singh and another

.....Petitioners

versus

Sukhraj Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sudeep Mahajan , Advocate for the petitioners
Mr.Chetan Bansal, Advocate for the respondents

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 5.3.2014, passed by the learned Civil Judge, Junior Division, Amritsar, vide which, ex-parte proceedings against the defendants were set aside and they were allowed to file written statement.

I have heard learned counsel for the parties and have also carefully gone through the file.

The plea of learned counsel for the petitioners -plaintiffs is that the defendants were duly served through *Munadi*. They did not appear and were correctly proceeded against ex-parte. The lower Court while allowing application, made the following observations:-

“Perusal of the file shows that the plaintiff will not be prejudiced in any manner rather the defendants shall be prejudiced if the application is not allowed as it will defeat the right of defendant to contest the case. Though the

case is very old one but the interest of justice require that litigant should be given a very fair chance to contest case. Otherwise great prejudice will be caused to them. As has been discussed above, the case is old one so the application is allowed. Case is now adjourned to 09.04.14 for filing written statement by the defendants.”

The learned counsel for the petitioners has further argued that written statement is to be filed within 90 days from the date of service. He has relied upon authority of this Court in Zolba v. Keshao and others, 2008(2) RCR (Civil) 869. However, once, the Court finds that ex-parte proceedings against the defendants are set aside in such case, said period of 30 days or 90 days, as the case may be, will start from the date they were allowed to file the written statement.

Exercising the revisional powers under Article 227 of the Constitution of India, I am of the view that the interest of justice requires that the other party should be allowed to contest the case and case should be decided on merits.

It being so, I do not find any ground to interfere in the impugned order.

Accordingly, the revision petition stands dismissed.

07.12.2015
gk

(Kuldip Singh)
Judge