

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

**CR-3020-2015 (O&M).
Decided on: May 5, 2015.**

Om Parkash

..... Petitioner(s)

Versus

Subhash Goyal

..... Respondent(s)

* * *

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.A.K.Sharma, Advocate,
for the petitioner**

M.M.S. BEDI, J (ORAL).

By allowing application under Order 9 Rule 13 CPC, filed by the defendant-respondent, the trial Court appears to have given a fair opportunity to the defendant-respondent to seek fair adjudication of the matter after giving opportunity to both the parties. Without giving opportunity of hearing to the defendant-respondent, he was proceeded against ex parte on 12.6.2008 and the suit was decreed ex parte on 17.2.2010.

Heard.

I do not find any ground to interfere in the order which has been passed in the interest of natural justice. The only deficiency which appears in the order is that costs has not been imposed upon the defendant-respondent for causing unnecessary harassment to the petitioner even if it is presumed that the respondent had not been served. The defendant deserves to be given a fair opportunity before he is forced to specifically perform the agreement of sale date 3.1.2007.

The petition is dismissed.

**May 5, 2015.
rka**

**(M.M.S. BEDI)
JUDGE**