

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3055 of 2014

Date of Decision: 10.09.2015

Har minder Kaur and another

.....petitioners

Vs.

Santa Singh and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present:- Mr.Chandandeep Singh, Advocate
for the petitioners.

Mr.S.S.Sudan, Advocate for
Mr.Pankaj Bhardwaj, Advocate for
the respondents.

K.KANNAN, J.

An application to set aside ex-parte order under Order 9 Rule 7 CPC was allowed when some of the defendants, who were ex-parte, were allowed the benefit of contest. It has been held through several decisions that Courts shall always be liberal in consideration of application under Order 9 Rule 7 CPC for the abovesaid reasons. When the suit is still pending, no serious prejudice would be caused by allowing the ex-parte defendants to be given the benefit of contest. More so, in a situation where the defendants were said to be residents outside India and service had not been effected. The pendency of the revision petition only guarantees an unnecessary delay for even the plaintiff who must be interested in securing the reliefs after full-fledged contest. In his own benefit, he should rather allow the trial to go on. If the written statement has not already been filed, it is directed that to be filed within 15 days, failing which, the time granted for filing the written statement will be taken to be withdrawn and the

trial will proceed denying any further opportunity to the defendants the right to file any written statement.

The revision petition is dismissed but with the observations made above.

10.09.2015
anil

(K.KANNAN)
JUDGE