

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

CR No.3378 of 2015 (O&M)

Date of decision : 08.09.2015

Sukhwinder Singh

...Petitioner

Versus

Harjit Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Amit Arora, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is for setting aside the impugned order dated 20.03.2015, whereby application seeking restoration of the application filed under Order 9 Rule 13 of the Code of Civil Procedure has been dismissed.

Mr. Amit Arora, learned counsel appearing on behalf of petitioner-Judgment Debtor submits that hearing of the matter in the application filed under Order 9 Rule 13 CPC was fixed for 28.09.2012. However, the counsel noted the next date of hearing as 23.10.2012 and when came to know about the dismissal in default of the application on obtaining certified copy on 08.11.2012, an application was filed on

26.11.2012 but the trial Court has committed illegality and perversity in dismissing the application and submits that impugned order suffers from illegality and perversity.

He further submits that as per order dated 24.09.2011, operation of ex parte judgment and decree was stayed when application under Order 9 Rule 13 was filed.

I have heard learned counsel for petitioner and appraised the paper book.

Dismissal of the application has rendered mis-carriage of justice to the petitioner. No prejudice would be caused to the respondent-Decree Holder in case the application filed under Order 9 Rule 13 of Code of Civil Procedure which was listed for arguments, is permitted to be restored.

The impugned order is accordingly set aside.

Application seeking restoration of the application filed under Order 9 Rule 13 of CPC is allowed. Application is restored to its original number.

Trial Court is directed to decide application under Order 9 Rule 13 of CPC, in accordance with law, much less, on the basis of evidence, if any, brought on record.

Revision petition stands disposed of.

08.09.2015

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**(AMIT RAWAL)
JUDGE**