

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

CR No. 362 of 2015
Date of Decision : 3.7.2015

Nadim Pasa and anotherPetitioners

Versus

Akil and othersRespondents

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

Present : Mr. Kunal Dawar, Advocate, for the petitioners

None for the respondents

M.M.S. Bedi, J.

Despite service, no one has put in appearance on behalf of the respondents. They are proceeded ex parte.

This revision petition has been filed against order dated 21.4.2014, passed by the learned Additional Civil Judge (Senior Division), Hathin, dismissing the application of the petitioner for restoration of application under Order 9 Rule 13 CPC, which was dismissed in default.

A perusal of the impugned order indicates that the application for restoration of application under Order 9 Rule 13 CPC has been dismissed on the ground of delay and negligence. Despite having been served, the respondents have opted not to appear before this Court meaning thereby that they have got no objection in consideration of the application under Order 9 Rule 13 CPC on merits.

Accordingly, this revision petition is allowed. Order dated

21.4.2014, dismissing the application for restoration of application under Order 9 Rule 13 CPC, which was dismissed in default on 21.2.2007, is hereby set aside.

It is ordered that the trial Court shall take up the application under Order 9 Rule 13 CPC for further proceedings in accordance with law, from the stage where it stood on 21.2.2007, subject to payment of costs of ₹ 15,000/-.

It is made clear that in case the costs is not paid, this petition will be deemed to have been dismissed.

The petitioner is directed to appear before the trial Court on 22.8.2015 along with a bank draft in the name of Akil etc.-decree holders. In case of the petitioner doing so, the trial Court shall proceed further in accordance with law, on issuing notice to the decree holder- respondents No. 1 to 4.

(M.M.S. BEDI)
JUDGE

3.7.2015
Ashwani