

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3637 of 2013
Date of Decision: 15.5.2015.**

Swaranjit Singh

.....Petitioner

Versus

Punjab State Civil Supplies Corporation
Limited and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. O.P.Kamboj, Advocate
for the petitioner.

Mr. A.K.Sharma, Advocate
for respondents No. 1 and 2.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 15.5.2013 (Annexure P-5) whereby application moved by the petitioner for setting aside *ex parte* proceedings against him, was dismissed.

I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

Respondent-Corporation has filed suit for recovery against the petitioner and respondents No. 3 and 4. Counsel on behalf of the petitioner appeared before the Trial Court on 7.1.2002. However, on 2.9.2008, petitioner was proceeded *ex parte* as the counsel stated that he had no instructions to appear on behalf of the petitioner. However, the counsel later moved an

application on behalf of the petitioner on 2.4.2009 under Order 7 Rule 11 of the Code of Civil Procedure, 1908 ('CPC' for short). Admittedly, there is other litigation pending between the parties. It appears that due to some lack of communication between his counsel and the petitioner, he (petitioner) could not pursue the case.

In the facts and circumstances of the present case, it would be just and expedient to set aside the *ex parte* proceedings against the petitioner and allow him to contest the suit. The other side can be compensated with costs.

Accordingly, this petition is allowed. Impugned order dated 15.5.2013 (Annexure P-5) is set aside. Consequently, the application moved by the petitioner for setting aside the *ex parte* proceedings against him vide order dated 2.9.2008, is allowed subject to payment of ₹ 20,000/- as costs. Costs be paid by the petitioner to respondents No. 1 and 2-plaintiffs on the date fixed before the Trial Court i.e. 27.5.2015. Thereafter, the Trial Court shall proceed further with the case, in accordance with law. It is hoped that the trial Court shall dispose of the trial, expeditiously.

**(SABINA)
JUDGE**

May 15, 2015
Gurpreet