

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3857 of 2015 (O&M)
Date of decision: 6.8.2015

State of Punjab and another

.. Petitioners

v.

Ranjit Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. P. S. Bajwa, Deputy Advocate General, Punjab.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 13.2.2015, vide which the application filed by the petitioners for setting aside of ex-parte order dated 16.9.2010, was dismissed.

In the case in hand, respondent No. 1-plaintiff filed a suit for recovery of ₹ 1.24 crores as damages from the State. Certain police officials were also impleaded in their personal capacity.

On account of non-representation of the State before the court below, despite service for a period of more than 2 years after filing of the suit, the State was proceeded against ex-parte on 16.9.2010. The application for setting aside of the aforesaid order was filed in which counsel for the plaintiff stated before the court on 13.2.2015 that he has no objection if the application filed by the State for setting aside of ex-parte order is allowed subject to cost. Despite this fact, the learned court below dismissed the application opining that the same was time-barred.

The stand of the State is that SI-Jai Singh had been deputed to take care of the case, however, he retired in the year 2009. Thereafter, the

case could not be taken care of.

Considering the facts of the case, as are evident on record, I do not deem it necessary to issue notice to respondent No. 1-plaintiff, as he had stated before the court below that he has no objection if the ex-parte order dated 16.9.2010 is set aside subject to cost. Under these circumstances, the court below should have allowed the application and set aside the ex-parte proceedings against the petitioners.

Considering the statement made by respondent No. 1-plaintiff, in my opinion, the order passed by the court below dated 13.2.2015 refusing to set aside ex-parte proceedings against the petitioner is liable to be set aside. Ordered accordingly. The order dated 16.9.2010 directing ex-parte proceedings against the petitioners is set aside. The petitioners are permitted to join the proceedings. However, the same shall be subject to payment of ₹ 10,000/- as cost to respondent No. 1-plaintiff. The same shall be paid by demand draft.

The petition stands disposed of.

(Rajesh Bindal)
Judge

6.8.2015
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