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

**CR No.4366 of 2015**

**Date of decision: July 14, 2015**

Surinder Singh and another

.....Petitioners

Versus

Gurinderjit Singh and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. H.S. Dhandi, Advocate  
for the petitioners.

**SABINA, J**

Petitioners have filed this petition challenging the order dated 09.04.2015, whereby *ex parte* proceedings against respondent No.2, were set aside.

Learned counsel for the petitioners has submitted that the respondent No.1 had been proceeded *ex parte* vide order dated 17.04.2014. Despite opportunity, defendants had failed to cross-examine the witnesses examined by the petitioners. The application had been moved in August, 2014 by respondent No.2 for setting aside the *ex parte* proceedings against her. The reasons mentioned by respondent No.2 in the application could not be said to be sufficient reasons for setting aside *ex parte* proceedings against her.

Petitioners have filed suit for permanent injunction against the respondents. Issues were framed by the trial Court on the pleadings of the parties on 27.08.2013.

Thereafter, vide order dated 17.04.2014, respondent No.2 was proceeded *ex parte*. Respondent No.2 moved an application for setting aside the *ex parte* proceedings against her on the ground that long drawn litigation qua family dispute was pending and due to this reason, she could not instruct her counsel. The learned trial Court rightly allowed the application moved by the respondent No.2 for setting aside *ex parte* proceedings against her as respondent No.2 could not pursue the case on account of pending family dispute. Moreover, now the *lis* between the parties would be disposed of on merits. Trial Court has compensated the petitioners with costs.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)  
JUDGE**

**July 14, 2015**

*mahavir*