

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

Civil Revision No. 5099 of 2015 (O&M)

Date of decision:- 12.08.2015

Anangpal

...Petitioner

Versus

Ramphal and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Ramender Chauhan, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

This petition under Article 227 of the Constitution of India is for setting aside order dated 03.01.2014 passed by the learned Civil Judge (Jr. Divn.) Bhiwani, whereby the suit of the plaintiff has been dismissed in default.

Learned counsel for the petitioner submits that learned counsel for the plaintiff has noted down the wrong date as 11.01.2014 and further he filed an appeal for setting aside the ex parte order dated 03.01.2014, which was also dismissed on 09.07.2015 and it was observed that the applicant has failed to adduce even a single evidence to prove that he has noted the next date of hearing as 11.01.2014.

Keeping in view the fact that the suit has been dismissed at

the stage of cross examination of D.W.1, the instant revision petition is accepted. Consequently, order dated 03.01.2014 passed by the learned Civil Judge (Jr. Divn.) Bhiwani, is hereby set aside and suit of the petitioner is restored to its original number and the trial Court is directed to provide one more effective opportunity to the petitioner, subject to payment of Rs.2500/- as costs, which shall be deposited before the District State Legal Service Authority, Bhiwani.

August 12, 2015

G Arora

(***RITU BAHRI***)
JUDGE