

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

**Civil Revision No.5412 of 2015
Date of Decision: August 24, 2015**

Kulwant Singh

.... Petitioner

vs.

Jai Inder Singh @ Dimple and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Amit Rana, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 13.12.2013 (Annexure P-1) passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which the ex parte suit of the plaintiff-petitioner was dismissed for non-appearance of the plaintiff-petitioner. Also impugned is the order dated 29.10.2014 (Annexure P-3) passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which the application of the petitioner-plaintiff for restoration of the suit by recalling the order dated 13.12.2013 (Annexure P-1), was dismissed.

Undisputedly, the defendants were ex parte before the lower court and the case was fixed for ex parte evidence. The plaintiff-petitioner availed 5-6 opportunities to conclude the evidence. On the last date, neither the plaintiff nor his counsel appeared.

Learned counsel for the petitioner-plaintiff has argued that he needs only one opportunity to conclude his evidence. It is further contended that the defendants were already ex parte. Only ex parte evidence is to be led.

In view of the matter, the impugned orders are set aside and the suit is restored to its original number and the petitioner-plaintiff is granted only one opportunity to lead ex parte evidence subject to payment of costs of ₹5,000/- to be deposited in the District Legal Aid Funds. The petitioner is directed to put in appearance before the lower court on 23.09.2015.

August 24, 2015
sarita

(KULDIP SINGH)
JUDGE