

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

CR No. 6404 of 2013 (O&M)

Date of decision: 25.05.2015

M/s Sunder Lal Aggarwal Rice Mill and another

... Petitioners

versus

Raj Kumar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Pritam Saini, Advocate for the petitioners.

Mr. Vikram Singh, Advocate for the respondents.

K.Kannan, J.

The revision petition is to set aside the ex-parte order. The Court ought to be more liberal in allowing for setting aside the ex-parte order and the fact that service had been effected already ought not to have been taken as a major ground to deny such a relief. The statement shall be filed within 15 days from the date of the passing of the order failing with the opportunity to file the statement will be taken as lost by invoking Order 8 Rule 1 CPC which provides only for 90 days from the date of the service of notice for the filing of the statement. The statement shall be filed before the 07.07.2015, because of the intervening holidays. If the statement is not filed as directed now, the defendant will lose the right to file the statement and will have the benefit of only participation in the proceedings from the stage at which the plaintiff's side evidence has been tendered.

The civil revision petition is allowed on the above terms.

**(K.KANNAN)
JUDGE**

25.05.2015

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