

CR No. 6313 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 6313 of 2014

Date of Decision: 17.07.2015

Malkiat Singh

.....Petitioner

Vs.

Hazura Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikram Preet Arora, Advocate,
for the petitioner.

Mr. Parshand Bansal, Advocate,
for the respondents.

SABINA, J.

Petitioner has filed this petition challenging the order dated 30.07.2014.

Learned counsel for the petitioner has submitted that there is lot of litigation pending between the same parties and due to this reason, petitioner could not keep track of this case.

Learned counsel for the respondents, on the other hand has opposed the petition and has submitted that the application for setting aside the *ex parte* proceedings against the petitioner had been filed after eleven months.

Respondents have filed suit for declaration that the agreement to sell dated 05.05.2008, executed by them in favour of the petitioner stands cancelled. Petitioner filed his written statement

and thereafter, he was proceeded *ex parte* vide order dated 12.08.2013. The case of the petitioner is that due to confusion he could not keep track of this case. The application for setting aside the *ex parte* proceedings was moved by the petitioner on 17.07.2014. Although, the application was moved by the petitioner after eleven months of the passing of the order dated 12.08.2013 but the ends of justice required that he be permitted to join the proceedings so that the *lis* between the parties can be disposed of on merits. The suit is still pending before the trial Court. Moreover, the plaintiffs can be compensated with costs.

According this petition is allowed. Impugned order dated 30.07.2014 is set aside. Consequently, application moved by the petitioner dated 17.07.2014 for setting aside the *ex parte* proceedings against him is allowed subject to payment of ₹10,000/- with costs. Cost be paid to the respondents before the trial Court.

**(SABINA)
JUDGE**

July 17, 2015
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