

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 639 of 2014 (O/M)
Date of decision : 10.9.2015

Rakesh Kumar

..... Revisionist

Versus

Harbans Lal Joshi

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Bahl, Senior Advocate, with,
Mr. Nitish Garg, Advocate, for the revisionist.

Mr. Sudhir Kumar, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 22.10.2013, passed by the learned Additional Civil Judge (Senior Division), Garshankar, vide which the application filed by the defendant under Order 9 Rule 13 of Code of Civil Procedure, 1908 ('CPC') for setting aside the ex-parte judgment and decree dated 9.1.2012, passed in Civil Suit No. 306A/2010 titled as Rakesh Kumar Versus Harbans Lal, passed by the learned Additional Civil Judge (Senior Division), Garshankar, was allowed and the impugned

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judgment and decree was set aside without framing the issues on the facts as well as limitation.

Learned senior counsel for the revisionist has contended that from the pleadings, some issues have arisen, for which the evidence is required to be recorded. The lower Court had summarily disposed of the application.

After hearing the learned counsel for the parties and after going through the impugned order, I am of the view that in the present case, the issues are required to be framed and both the parties should have been allowed to lead evidence in support of their respective claims. Therefore, the impugned order disposing of the application in summary manner is not sustainable in the eye of law and is accordingly set aside. The case is remanded back to the Court of the learned Additional Civil Judge (Senior Division), Garshankar, for framing the issues on the application under Order 9 Rule 13 CPC and thereafter allowing the parties to lead evidence and thereafter, decide the same on merits. Both the parties are directed to appear before the lower Court on 6.10.2015.

The present revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

10.9.2015
sjks