

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.6492 of 2014

Date of decision: 13.10.2015

Parfool Chand Thakar

.....Petitioner

versus

Jayotsna Sharma and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Samarth Sagar, Advocate for the petitioner
Mr.Parveen K. Kataria, Advocate for the respondent No.1
Mr.Mohinder Kumar, Advocate for the respondent No.4

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 is the order dated 14.8.2014 (Annexure P1) as well as order dated 5.9.2014 (Annexure P2), passed by the learned Civil Judge, Junior Division, Amritsar. Vide order Annexure P1, ex-parte proceedings against the defendant No.4 were set aside subject to costs and vide order Annexure P2, the written statement and counter claim on behalf of defendant No.4 was filed, which is in fact in continuation of the previous order.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the petitioner has argued that in the suit the relief was claimed against defendant Nos.1 to 3 only.

Evidence of the plaintiff was closed by order after granting 35 opportunities. Therefore, to get backdoor entry, defendant No.4, who stands at the same footing as of plaintiff, filed this application and the plaintiff readily made the statement raising no objection.

The only grouse of the petitioner is that at the time of hearing, the present petitioner, who is defendant No.3, should have been heard.

Keeping in view the peculiar circumstances of the case, the impugned order Annexure P1 and the consequential order Annexure P2 are set aside. The lower Court is directed to grant opportunity of hearing to the petitioner, including the opportunity to file the reply and thereafter, decide the matter on merits. If the ex-parte proceedings are set aside, the consequential order Annexure P2 filing the written statement shall be maintained.

In view of the above the petition is allowed.

13.10.2015
gk

(Kuldip Singh)
Judge