

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.767 of 2013

Date of decision: 14.08.2015

Beg Raj and another

.....Petitioners

versus

Narain Dass Devindra and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sudhir Aggarwal, Advocate for the petitioners
Mr.Sachin Mittal, Advocate for respondent No.1

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)

This is a revision against the order dated 19.5.2012, passed by the learned Additional District Judge, Gurgaon vide which the order passed by the learned Additional Civil Judge, Senior Division, Gurgaon dated 19.7.2011 was reversed.

Learned Additional Civil Judge, Senior Division, Gurgaon has dismissed the application of the defendants/ respondents filed under Order 9 Rule 13 read with Section 151 CPC for setting aside the ex-parte judgment and decree dated 22.7.2004. The present petitioners/ defendants were ex-parte before the learned Civil Judge, Senior Division. On that assumption, learned Additional District Judge did not issue notice to the present petitioners and decided the appeal ex-parte.

I am of the view that in this case, there is property dispute between the parties. Even if the defendants had not appeared before the learned Civil Judge, Senior Division and were proceeded ex-parte but order was passed in their favour. Therefore, when the learned Additional District Judge, proposed to reverse that order, the interest of justice requires that they should have been heard. This is keeping in view the background that there is serious property dispute between the parties.

Accordingly, the impugned order dated 19.5.2012 passed by the learned Additional District Judge, Gurgaon is set aside. Learned Additional District Judge, Gurgaon is directed to hear the present petitioners and then pass an order in the appeal.

Both the parties are directed to put in appearance before the learned Additional District Judge, Gurgaon on 15.9.2015.

Revision is accordingly allowed.

14.08.2015
gk

(Kuldip Singh)
Judge