

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.7751 of 2013

Date of Decision.21.04.2015

Dharambir son of Sh. Shri Chand

.....Petitioner

Versus

Subhash and another

.....Respondents

Present: Mr. Aman Priye Jain, Advocate
for the petitioner.

Mr. Santosh Sharma, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The ex parte order passed against the defendant is set aside, for, it requires no great forensic skills to understand that the Court's power to set aside ex parte order when a decree was still not passed is much wider and the Court need not give unnecessary fetters for a defendant to participate in the trial. I am informed that the plaintiff's side was closed and it is now posted for arguments. In the light of my order setting aside the order already passed, the defendant will have liberty to file the written statement within one week if it has not already been filed and will also have liberty to recall plaintiff or his witnesses if there are any such requirement on the basis of the written statement now filed.

2. The defendant will have the opportunity to file the written

statement only on condition that the defendant shall pay ₹ 10,000/- as costs to the plaintiff for the inconvenience and the difficulty caused by not filing the statement in time and allowing for more than 500 days to pass before the application was filed. The order passed is set aside and the revision petition is allowed but subject to the above conditions. The case will resume from where it was left to allow for opportunity for the defendant also to place its evidence in the light of the written statement filed and conclude the trial and dispose of the case in accordance with law.

(K. KANNAN)
JUDGE

April 21, 2015
Pankaj*