

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.7941 of 2015 (O&M)

Date of decision: 28.11.2015

Kulwant Singh

.....Petitioner

Versus

Rattan Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Baath, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 03.09.2015 (Annexure P-1) passed by the Additional District Judge, Hoshiarpur, whereby appeal filed by defendant No.1-appellant (petitioner herein) against the judgment and decree dated 27.11.2014 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Garhshankar, has been dismissed in default.

A perusal of the impugned order shows that correct addresses of unserved respondents were not filed by the appellant-petitioner. The case was called several times, but neither the appellant nor his counsel appeared before the appellate Court. Thereafter, Clerk of counsel for the appellant-petitioner appeared and stated that the appellant was not interested in pursuing the case. On the basis of his statement, the appeal was dismissed in default for non appearance of the appellant.

Learned counsel for the petitioner states that defendant Nos.2 to 10 were proceeded exparte before the trial Court and hence, their service was not necessary for final dispose of the appeal. In support of his case, he has referred to the judgment passed by this Court in **Gian Singh Vs. Joginder Singh and**

In the given circumstances of the case, to impart complete justice to the parties and also to avoid deprivation of full opportunity to the petitioner, this Court deems it appropriate to provide one last opportunity to the petitioner to pursue his case.

In view of the above, the impugned order dated 03.09.2015 (Annexure P-1) is set aside and one effective opportunity is granted to the appellant-petitioner to address arguments in the appeal, subject to costs of Rs.3000/- to be deposited with the District Legal Services Authority, Hoshiarpur.

Allowed accordingly.

28.11.2015
ajp

(RITU BAHRI)
JUDGE