

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

**Civil Revision No.7874 of 2013
Date of decision: 17.11.2015**

Mahavir Poonia

.....Petitioner

versus

Raj Kumar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Tarun Singla, Advocate for the petitioner
Mr.G.S.Saini, , Advocate for
Mr.Balraj Singh Sidhu, 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?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 4.4.2012 (Annexure P3), passed by the learned Civil Judge, Senior Division, Bathinda, whereby the defence of the defendant No.3/ present petitioner was struck off. Also impugned is the order dated 26.8.2013, whereby the lower Court has refused to recall the said order.

The perusal of the file shows that the suit has been filed for specific performance of agreement of sale dated 14.11.2010. Defendant No.3 claims to be bona fide purchaser. Therefore, at the very outset, it comes out that it is a property dispute, in which, decision on merits is required to be passed. Coming to the present case, in this case, the ex-parte proceedings were set aside subject to

the condition that only one opportunity for filing of written statement will be given. The said opportunity was availed. But the written statement was not filed. The case was adjourned to next day. Even then written statement was not filed. Consequently, the impugned order (Annexure P3) was passed.

Without going into the merits of the case and keeping in view the fact that case is required to be decided on merits after hearing both the parties, the interest of justice requires that the present petitioner should be given one more opportunity to file written statement subject to costs. This Court is informed that the written statement is already ready and it was attached with the application for recalling of the said order.

In view of the matter, the impugned order is set aside to the extent that the present petitioner is given one more opportunity to file the written statement subject to payment of Rs.10,000/- as costs to the opposite party.

It comes out that in pursuance to the order dated 19.12.2013, passed by this Court, litigation expenses of Rs.10,000/- have been deposited with the Registry of this Court. The same are ordered to be disbursed to the present respondents, through the lower Court, where the matter is pending.

Costs imposed by this Court shall stand adjusted against the litigation expenses already imposed.

The revision petition stands allowed accordingly.

17.11.2015

gk

**(Kuldip Singh)
Judge**