

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

(239)

CR No.7683 of 2014

Decided on: July 20, 2015.

Karamjeet Singh and others

.... Petitioners

Versus

Baldev Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Saurabh Garg, Advocate,
for the petitioners.

Mr. N.S. Dhillon, Advocate,
for respondents No. 1, 3, 4, 6 to 8.

M.M.S. BEDI, J (ORAL)

Vide impugned order dated 24.09.2014, the trial Court has set aside the ex parte proceedings against the defendant-respondents dated 28.10.2011 despite the fact that the application had been filed after 11 months.

Learned counsel for the plaintiff-petitioners has argued that the defendants with an intention to delay the proceedings had intentionally not appeared before the trial Court after service and the application for setting aside the ex parte proceedings had earlier been dismissed in default.

I have heard learned counsel for the parties and gone through the facts and circumstances of the case. Taking into consideration the nature of the suit and the principle of natural justice, the defendant-respondents should be given an opportunity to contest the case. Dismissal of the application in default for restoration will not debar the filing of second

application. The only grievance of the plaintiff-petitioners at this stage is that though the matter had been pending for over three years, the meager cost of ₹1,000/- has been awarded.

After hearing counsel for the parties, I am of the considered opinion that no doubt defendant-respondents had been adopting evasive approach to delay the proceedings but at the same time striking a balance between the rights of both the parties, I am of the considered opinion there is no ground to set aside the order against the defendant-respondents but plaintiff-petitioners deserve to be compensated adequately for the said evasive approach of the defendants.

This revision petition is dismissed.

A sum of ₹5,000/- will be paid on the next date of hearing, by the defendants to the plaintiff before the trial Court for evasive approach of the defendants adopted during hearing of the suit. This cost is in addition to the costs already ordered by the trial Court.

(M.M.S. BEDI)
JUDGE

July 20, 2015
harsha