

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

C. R No. 8238 of 2015 (O&M)

Date of decision : 05.12.2015

Smt. Mamta Rani and others

....Petitioners

versus

Amit Kumar

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Jaiswal, Advocate
for the petitioners.

RITU BAHRI , J. (Oral)

Challenge in this petition is to order dated 08.10.2015 passed by learned Civil Judge (Jr. Divn.), Ambala, vide which the application of the petitioners/defendants for setting aside ex parte order dated 03.07.2015, has been dismissed

A perusal of the zimini orders shows that on 03.07.2015, the case was adjourned for the cross examination of the P.W's by the counsel for the defendants, who could not do so, as he was busy in other Court and accordingly, ex parte order was passed against the defendants. Thereafter, an application under Order 9 Rule 7 CPC for setting aside ex parte order was made on 24.07.2015 after about 20 days, which was also dismissed by observing that learned counsel for the defendants did not appear before the

Court and case was called several times.

Learned counsel for the petitioners submits that on 03.07.2015 it was the first date for the purpose of cross examination of the plaintiff and the application for setting aside ex parte order was also filed well within time.

There is no delay on the part of the defendants for filing an application for setting aside the ex parte order and thus learned counsel for the defendants was not deliberately extending the duration of the trial by not appearing on one date.

In view of the above, order dated 08.10.2015 passed by learned Civil Judge (Jr. Divn.), Ambala is hereby set aside and the instant revision petition is **allowed** and the trial Court is directed to give one effective opportunity to the petitioners to cross examine two witnesses i.e Gaurav Talwar and Amit Kumar, subject to deposit of Rs.3000/- as costs to be deposited before the District State Legal Services Authority, Ambala.

05.12.2015

G.Arora

(RITU BAHRI)
JUDGE