

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

CR No.839 of 2015

Date of Decision:-06.02.2015

Aparpal Singh

.....Petitioner.

Versus

Inderpal Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jaideep Verma, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Defendant no.10 is in revision aggrieved by the order dated 10.12.2014 passed by the learned Civil Judge(Jr. Divn.), Ludhiana whereby for non payment of conditional costs of Rs.10,000/- imposed while setting aside the ex-parte order dated 16.04.2013, he has been directed to remain as ex-parte.

It is contended that in the suit for specific performance and for setting aside the sale deed executed by the remaining defendants in favour of petitioner/defendant no.10, none of the defendants has contested the suit and therefore, due to grave mistake of the petitioner in not depositing the costs due to communication gap, his substantial right to defend his sale deed would get defeated.

Learned Counsel for the petitioner submits that his client is ready to deposit any amount of costs as this Court deems fit over and above

the already imposed costs provided an opportunity is granted to join the proceedings.

After hearing learned Counsel for the petitioner, it is deemed expedient in the interest of justice to permit the petitioner to join the proceedings since it is a settled principle of law that lis should be decided between the parties on merits, more so regarding the litigation of this kind as involved in the present case. Accordingly, the order 10.12.2014 (P-6) is set aside and the petitioner is now permitted to deposit the costs in terms of the order dated 17.10.2014 along with another sum of Rs.20,000/- to be deposited with the State Legal Service Authority, Ludhiana as a condition precedent. The aforesaid total amount Rs.10,000/- + Rs.20,000/- (Rs.30,000/-) shall be deposited by the petitioner/defendant no.10 on or before 11.02.2015.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

February 06, 2015
Vinay