

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

**CR No.8567 of 2015
Date of decision: 17.12.2015**

Mangat Ram

....Petitioner

Versus

Ashok Kumar

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has come up in revision for setting-aside the order dated 16.11.2015, passed by Civil Judge (Jr. Division), Karnal, whereby the defence of the petitioner has been struck-off.

From the perusal of the impugned order, it reveals that the judgment-debtor had appeared before the Court for the first time on 30.05.2015 and moved the application for setting-aside the ex parte order. The said application was allowed vide order dated 28.09.2015, but on account of non-filing of the objections, the defence of the judgment-debtor has been struck-off.

Learned counsel for the petitioner has submitted that the petitioner could not file the objections due to certain unavoidable circumstances in spite of the opportunities granted by

the trial Court. He has further submitted that the mother of the petitioner is a very old lady and was suffering from various old age disease and is bed-ridden and thereafter, the petitioner himself fall ill.

Keeping in view the above facts and circumstances, the present revision petition is allowed. The order dated 16.11.2015, passed by Civil Judge (Jr. Division), Karnal, is hereby set-aside and one effective opportunity is granted to the petitioner to file objections, subject to payment of cost of Rs.7,000/- to be paid to opposite party.

(RITU BAHRI)
JUDGE

17.12.2015
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