

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8805 of 2015 (O&M)

Date of Decision.24.12.2015

Darshan Singh and others

.....Petitioners

Vs.

Narinder Pal Singh and others

.....Respondents

Present: Dr. Surinder Singh Joshi, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The application to set aside the ex parte order filed under Order 9 Rule 7 CPC was allowed on costs. The costs had not been paid but when the costs was not paid and the statement was not filed on the day when it was posted, the application was filed to strike off the defence. In the meanwhile, the written statement had been filed. The Court has allowed for the written statement to be taken on record and has held that the costs has been awarded only for allowing the application under Order 9 Rule 7 CPC and it has not been passed under Section 35 CPC. There is no justification for striking off the defence when the written statement has also been received.

2. If the costs has not been paid for any order that is already passed, the plaintiff may recover it in the manner known to law. There is no justification for complaining against the written statement to be taken on record and allowing for the trial to continue. I make no

intervention.

3. The revision petition is dismissed but with the liberty to the petitioner as aforesaid.

(K. KANNAN)
JUDGE

December 24, 2015
Pankaj*