

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

**C.R.M-M No.28163 of 2014
Date of Decision : 17.08.2015**

M/s Durga Enterprises

..... Petitioner

Versus

Yadav Agencies

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mohd. Shameen, Advocate
Mr. Sandeep Sharma, Advocate for the petitioner.

None for the respondent.

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?

AJAY TEWARI, J. (ORAL)

This is a petition for setting aside the order dated 01.05.2014
(Annexure P-3) whereby the complaint filed by the petitioner has been
dismissed in default for want of appearance despite service.

Learned counsel for the petitioner has stated that the petitioner
had been regularly appearing in the complaint but on one date he could not
appear as his counsel had noted the wrong date.

None has entered appearance on behalf of the respondent
despite service to dispute this fact.

Consequently, the petition is allowed. The impugned order is set aside. The trial Court is directed to proceed with the trial on merits. The petitioner through counsel is directed to appear before the trial Court on 14.09.2015. The trial Court would obvious serve the respondent before proceeding further.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

AUGUST 17, 2015

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**(AJAY TEWARI)
JUDGE**