

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

SAO 25 of 2015

Date of decision:- 11.3.2015

Municipal Corporation, Faridabad

Petitioner

vs.

Roshan Lal (Deceased) through his L.Rs.

Respondent

Present: Mr. Sikander Bakshi, Advocate.

M.M.S.BEDI,J.

The plaintiff- petitioner Municipal Corporation, Faridabad had filed a suit for recovery against Roshan Lal, who has died now and is being represented through his legal heirs. The suit was decreed ex-parte. The application filed under Order 9 Rule 13 CPC by the legal heirs of Roshan Lal was dismissed. In an appeal, filed by the legal heirs of Roshan Lal, the order passed by the civil court has been set aside and the application filed under Order 9 Rule 13 CPC has been allowed, setting aside the ex-parte decree. The money decree was passed on 11.12.2009 on the basis of an ex-parte order dated 27.10.2009 against Roshan Lal.

After going through the facts and circumstances of the case and the impugned order, I am of the considered opinion that though the claim of the Municipal Corporation, Faridabad has been delayed for the purpose of adjudication but at the same time it is apparent that after the death of Roshan Lal, his wife and minor children deserved a fair opportunity to contest the case of recovery, filed by the plaintiff- petitioner. In the interest of justice, fairness and equity, no ground is made out for interference in the order passed by the lower appellate court setting aside the ex-parte decree.

Dismissed. However, a direction is issued that the civil court shall decide the case expeditiously to finally determine the rights of the parties on merits.

March 11 ,2015
TSM

(M.M.S.BEDI)
JUDGE