

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1731 of 2016 (O&M)
Date of decision : May 6, 2016

Manish Sharma

.....Petitioner

Versus

Savita Sharma

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Narender Singh, Advocate
for the petitioner.

Mr. Munish Behl, Advocate
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?

Amit Rawal, J (oral).

The petitioner-husband is aggrieved of the impugned order dated 16.2.2016 whereby the application for setting aside the ex-parte order dated 31.10.2015 has been dismissed.

Learned counsel for the petitioner submits that respondent is working in the District Court, therefore managed to get the ex-parte proceedings as date given by the Reader was 31.1.2016 whereas actually it was 31.10.2015, therefore he was proceeded against ex-parte. The application was also dismissed, thus urges this Court that no harm would be caused to the respondent-wife who has filed a divorce petition and number of similar criminal cases are pending, in case impugned order is set aside.

Mr. Munish Behl, learned counsel appearing on behalf of the respondent submits that there is no such averment qua

noting of the wrong date, much less 31.1.2016. No explanation has come forth for not filing the application within a period of 30 days and the application was lacking material particulars qua seeking condonation of delay, therefore, rightly so the same has been dismissed.

I have heard learned counsel for the parties, appraised the paper book and of the view that as per the averments culled out in the plaint it has specifically been stated that owing to mis-communication wrong date i.e. 31.1.2016 has been noted instead of 31.10.2015, therefore he was not able to present the case on 31.10.2015. The ex-parte proceedings have come to the knowledge of the petitioner only in the last week of January, 2016, accordingly, the application was filed on 8.2.2016. No harm would be caused in case, the matter before the court below is ordered to be contested.

In view of the aforementioned facts, the impugned order whereby the petitioner was proceeded against ex-parte is hereby set aside. The petitioner shall be granted liberty to cross-examine the witness of the respondent subject to payment of costs of ₹7,000/- thereafter the court shall proceed with the trial in accordance with law.

The civil revision stands allowed.

(AMIT RAWAL)
JUDGE

May 6 , 2016
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