

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 3185 of 2016
Date of decision : May 5, 2016

Vishal Puri and another

..... Petitioners

Versus

Ravish Puri and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S. S. Dinarpur, Advocate
for the petitioners.

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 petitioners-plaintiffs are aggrieved of the impugned order whereby application filed by the respondent-defendant No. 5 ex-parte proceedings and ex-parte judgment and decree dated 11.3.2014 and 17.7.2014 have been set aside and the suit has been allowed to continue from the stage of defendants evidence subject to costs of ₹5,000/-.

Learned counsel appearing on behalf of the petitioners submits that the suit was filed on 10.8.2008. The defendants appeared and filed written statement through counsel on 9.9.2009, till 16.1.2013 evidence of the petitioner was closed, thereafter four adjournments were sought and one of the defendants was examined by co-defendant and then on 11.3.2014 they were

proceeded against ex-parte. They were not residents of Kanpur. The address given in the Memo of Parties was incorrect. Had it been so, they could not have been served at the address given as they availed the services of the counsel. Such an approach of the defendants should not be dealt with at the drop of the matter.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the trial court has given opinion by relying upon the judgment rendered by Hon'ble Supreme Court in **Rafiq Vs. Munshi Lal AIR 1981 (SC) 1400** wherein it has been held that party should not made to suffer for the lapse of the counsel, in case the counsel had not appeared, the ex-parte proceedings were not to be initiated but not in the manner and mode as has been adopted, as notice ought to have been issued.

In view of the aforementioned facts, I am in agreement with the findings rendered by the trial court while allowing the application, however, trial court is directed to fix a time line i.e. by granting three effective opportunities to the defendants to lead evidence and conclude trial within a period of four months.

Accordingly, the impugned order is modified, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 5, 2016
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