

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

C.R. No.3548 of 2016

Date of Decision.20.05.2016

Jai Bhagwan

.....Petitioner

Vs.

Bansi Lal

.....Respondent

Present: Mr. J.P. Dhull, Advocate
for the petitioner.

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. There is a difference between the ex parte decree and ex parte order. The Court's power under Order 9 Rule 7 shall be applied with a greater degree of discretion than what would be possible for ex parte decrees. So long as the decree has not been passed, the Court ought to have been liberal and allowed for contest on merits. The order already passed is set aside. Notice to the respondent is dispensed with. The petitioner is directed to pay ₹5000/- as costs to the plaintiff within two weeks from the date of receipt of copy of the order. The judgment of the case will not be pronounced in terms of the order that is already passed and on being informed, the Court will set aside the judgment and allow for the written statement to be filed on the date of his appearance after two weeks from the date of receipt of copy of the order. If the statement is not filed on the day of his appearance, the Court will proceed to treat the defence as closed and proceed to dispose

of the case on merits. If the costs is paid and the written statement is filed, the Court will allow for progress of the case in accordance with law.

2. The impugned order is set aside and the revision petition is allowed.

(K. KANNAN)
JUDGE

May 20, 2016
Pankaj*