

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.5479 of 2016
Date of decision: September 14, 2016

Sudesh Kaur ...Petitioner

Versus

Suresh Kumar and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.B. Sidhu, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 26.7.2016, passed by the trial court, setting aside ex-parte proceedings qua applicant/respondent No.2.

Order has been assailed on the ground that the trial court did not appreciate the controversy in correct perspective. It has set-aside the ex-parte order after a lapse of considerable period. Learned counsel submits that application has been filed after unexplained delay, thus, order deserves to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner/plaintiff filed a suit for creating charge of maintenance over the suit property, recovery of arrears as well as permanent injunction restraining respondents from interfering into peaceful possession of the plaintiff over the suit property, with a further prayer that they be restrained from alienating the same. During pendency

of proceedings, respondent no.2 did not appear in court on 06.10.2014 and accordingly, he was proceeded against ex-parte by the trial court. On 8.12.2014, an application for setting-aside ex-parte order was filed, which was allowed by the trial court on 26.7.2016, subject to payment of Rs.2000/- as costs, by observing that there are sufficient grounds to set-aside the ex-parte proceedings against respondent No.2. I am of the considered view that proceedings in the suit should be taken to its logical end, therefore, respondent No.2 has a right to contest the suit. No infirmity with the orders passed has been pointed out. There is no ground to interfere in revisional jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 14, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No