

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.6146 of 2016 (O&M)
Date of decision : 19.09.2016

Suresh and another

...Petitioners

Versus

Punjab National Bank and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Arvind Kumar Yadav, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners-defendant(s) are aggrieved of the order dated 01.07.2014, whereby they were proceeded ex parte and order dated 22.09.2015, whereby application filed under Section 8 of the Haryana Agricultural Credit Operations and Miscellaneous Provisions (Bank) Act, 1973 for setting aside the ex parte order dated 01.07.2014 in petition filed on 20.03.2013, has been dismissed.

Mr. Arvind Kumar Yadav, learned counsel appearing on behalf of petitioners submits that petitioner(s) acquired the knowledge of the aforementioned ex parte order in the month of May 2015 when they had approached the bank for obtaining the loan and in this background of the matter, application for setting aside of the ex parte proceedings was moved but the same has erroneously been dismissed. He submits that applicants are willing to contest the application on merits subject to the terms and conditions which this Court may deem appropriate.

I have heard learned counsel for the petitioners and appraised the

paper book and of the view that application came to be decided on 22.09.2015 and the present revision petition has been filed almost after one year as counsel engaged earlier told them that appeal would be maintainable before DRT and in this process, delay has occurred.

I am of the view that ignorance of law is not bliss.

Even, there is force in the assertion of Mr. Yadav, that there is no report of the Courts below that they they were effectively served, therefore, order of ex parte was not based upon the satisfaction.

But however in order to prevent miscarriage of justice and to render justice, I deem it appropriate to grant them opportunity to contest the case by setting aside the impugned order on the following conditions:-

1. Within one week from the date of receipt of certified copy of order thereafter they shall file written statement before competent authority, in accordance with law.
2. With 2-2 effective opportunities to the parties, the competent authority decide the controversy as expeditiously as possible within four months.

However, this order of mine shall be subject to the payment of cost of Rs.15,000/- which shall be condition precedent.

Resultantly, present revision petition stands allowed in aforementioned terms.

19.09.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No