

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

**CR No.6727 of 2016
Date of Decision: 06.10.2016**

Darshan Singh**Petitioner**

Versus

Gora Lal and others**Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.S. Dhandi, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed order dated 22.09.2016 passed by Civil Judge (Junior Division), Patiala whereby application for filing written statement filed by the petitioner was dismissed.

[2]. Petitioner-defendant No.5 was proceeded against ex parte. An application for setting aside the ex parte order was filed by the petitioner on 31.08.2016 which was opposed by the plaintiff.

[3]. Trial Court allowed the application vide order dated 08.09.2016 on the premise that defendant No.5-petitioner was proceeded against ex parte at the initial stage. The opportunity was granted to defendant No.5 to plead his case. Ex parte

proceedings were set aside subject to payment of costs of Rs.1000/-

[4]. Thereafter, defendant No.5-petitioner filed an application for filing written statement which has been dismissed by the trial Court by passing the following order:-

“An application for permission to file the written statement on behalf of defendant No.5 has been file. Same is declined. To come up on 3.10.2016 for plaintiff evidence. Cost be also paid on said date.”

[5]. Perusal of the aforesaid order shows that the order is totally non-speaking and does not correspond to the factual matrix of the case as detailed above.

[6]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing notice to the respondents as no prejudicial order to the interest of the parties is being passed.

[7]. Trial Court can be obligated to pass a fresh order in the light of facts and circumstances of the case by referring to necessary stand of the parties.

[8]. Impugned order dated 22.09.2016 passed by Civil Judge (Junior Division), Patiala is hereby set aside. This revision petition is allowed. Trial Court is directed to pass afresh order on the application filed by defendant No.5-petitioner in

accordance with law, without being influenced by any observation made hereinabove. Let the needful be done within fortnight from the date of receipt of certified copy of this order.

06.10.2016
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No