

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 7693 of 2015
Date of decision : April 5, 2016

Sarwan Singh

..... Petitioner

Versus

Daljinder Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A. S. Khinda, Advocate
for the petitioner.

Mr. Navjot Singh, Advocate for
Mr. Rakesh Kumar, Advocate
for the respondent.

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 petitioner-defendant is aggrieved of the impugned order whereby application seeking restoration of the application under Order 9 Rule 13 CPC has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that the application was dismissed for default on 20.12.2014 as the counsel was busy in some other court. He further submits that the other party can always be compensated in terms of costs.

Learned counsel appearing on behalf of the respondent submits that act and conduct of the petitioner shows

lackadaisical approach viz-a-viz contest of the suit ex-parte and thereafter choose to move application for setting aside of the ex-parte judgment and decree, which was also dismissed for default. Such type of litigants should not be given an opportunity, thus urges this court to uphold the order.

I have heard learned counsel for the parties, appraised the paper book and keeping in view the act and conduct of the petitioner, but in order to advance justice, it is appropriate to set aside the order with a condition that the petitioner-applicant shall not instrumental in causing delay in adjudication of the application and endeavour to conclude the evidence in support of the application as expeditiously as possible subject to payment of costs of ₹5,000/- which shall be condition precedent. The costs shall be paid to the counsel for respondent-plaintiff in the High Court.

Accordingly, revision petition stands allowed.

(AMIT RAWAL)
JUDGE

April 5 , 2016
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