

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

Crl. Misc. No.M-5833 of 2016

Date of Decision: 17.02.2016

Jasdarshan Singh

....Petitioner

Versus

Smt. Pritpal Kaur

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Ashok Verma, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

Learned counsel for the petitioner submits that without effecting any service upon the petitioner, ex-parte order dated 10.01.2014 was passed. Neither the reply was filed nor the petitioner was present. Learned counsel also submits that the petitioner is handicapped and totally crippled person and is living at the mercy of his brother and as such he is unable to earn anything. The petitioner has already paid an amount of ₹ 1,80,000/- to the respondent by way of Bank Draft No.946153 dated 28.12.2015 and he is still ready to pay the amount due as on today. Learned counsel also submits that the application for setting aside the ex-parte order has not been decided so far and the same is still pending. He further submits that the petitioner is ready to appear before the Court and to make payment if any amount remains to be paid. He is under

apprehension that the amount which has been directed to be paid, has already been paid as nothing has been mentioned with regard to said amount.

Keeping in view the limited prayer, the present petition is disposed of with a direction to the trial Court to decide the application of the petitioner for setting aside the ex-parte order in accordance with law on the next date of hearing or any other date convenient to the Court.

However, it is made clear that in case, the petitioner makes the payment of the amount due towards arrears, no coercive method should be adopted.

The petition is disposed of accordingly.

17.02.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE