

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

245

CR No.1209 of 2017 (O&M)

Date of decision: 24.10.2017

Harinder Kaur through Paramjit Kaur

..... Petitioner

Versus

Hardev Singh and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Gurcharan Dass, Advocate  
for the petitioner.

Mr. Aayush Gupta, Advocate  
for the respondents.

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**ANIL KSHETARPAL, J. (ORAL)**

Petitioner is in revision petition against the orders dated 20.11.2015 and 02.01.2017. Through first order, the application for setting aside the ex parte decree was dismissed in default whereas by second order, the application for recall of the aforesaid order was also dismissed.

It is not in dispute that another application under Order 9 Rule 13 filed by Jagjit Singh-defendant No.2 who is son of the petitioner is pending disposal before the Court. A separate application was filed by the petitioner who was defendant No.1 in the suit.

Taking into consideration the fact that the petitioner is alleged to be more than 86 years old, this Court feel that ends of justice could be met if application for setting aside the ex parte decree filed by the petitioner is restored to its original number and directed to be decided with another application filed by defendant No.2.

Learned counsel for the respondents has submitted that the petitioner is delaying the execution of the decree. He submits that petitioner has not been able to get possession of the land although the decree passed on 11.04.2012.

Taking into consideration the aforesaid facts, the present revision petition is allowed subject to payment of cost of ₹ 5,000/-. The impugned orders dated 20.11.2015 and 02.01.2017 (Annexure P-4 and P-7 respectively) passed by the Court are set aside. Learned trial Court is requested to decide both the applications for setting aside the ex parte decree within a period of one month from the date of receipt of certified copy of this order.

Revision petition is allowed.

**24.10.2017**

Dinesh Bansal

**( ANIL KSHETARPAL )  
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No