

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.2146 of 2017
Date of decision:27.3.2017**

Jagraj Singh

...Petitioner

Versus

General Public and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Lalit Pathak, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of plaintiff, filed under Article 227 of the Constitution of India, is directed against the order dated 3.10.2016 passed by the learned trial Court, whereby application moved by defendant-respondent for setting aside the order dated 18.9.2014, whereby he was proceeded against ex parte, was allowed.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that the learned trial Court was conscious of the fact that application moved by defendant-Bant Singh was a belated one. This was the reason that the learned trial Court duly compensated the petitioner-plaintiff by payment of reasonable costs. It was also recorded by the learned trial Court in the impugned order that the case was listed for ex parte evidence of the plaintiff. However, the learned counsel for the petitioner has sought to clarify that the plaintiff's evidence has already been concluded. Be that as it may, no illegality has been found in the impugned order and the same

deserves to be upheld.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Defendant-respondent/Bant Singh had already filed his written statement, before the learned trial Court. Thereafter, when he was not attending the proceedings of the suit, he was proceeded against ex parte vide order dated 18.9.2014. Since the application for setting aside the ex parte order dated 18.9.2014 was moved by defendant-respondent/Bant Singh after about 2 years and in the meantime, evidence of the plaintiff came to be concluded, as per the statement made by the learned counsel for the petitioner, the learned trial Court directed the defendant to pay reasonable costs to the plaintiff so as to compensate him. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. He also failed to point out any prejudice which is likely to be caused to the petitioner by passing the impugned order. In this view of the matter, it can be safely concluded that the impugned order does not suffer from any patent illegality and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant civil revision petition stands dismissed, however, with no order as to costs.

27.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No