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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2785 of 2014

Decided on : July 26, 2017

BALRAJ SINGH

....PETITIONER

VERSUS

KAMALJEET KAUR AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Davinder Kumar, Advocate
for respondent No.1.

Mr. V.S. Rana, Advocate
for respondent No.3.

Mr. Baljinder Singh Sra, Advocate
for respondent No.4.

Ms. Ruchi Sekhri, Advocate
for respondents No.5 and 6.

REKHA MITTAL, J (ORAL)

Counsel for the parties are *ad idem* that the present petition may be disposed of by setting aside order dated 05.02.2014 (Annexure P-1) in the following terms:-

- i) The petitioner will raise no objection in case ex parte proceedings initiated against respondents No.1, 3 to 6 are set aside from the stage they were proceeded against ex parte in the main suit.
- ii) The aforesaid respondents shall ensure that they file an

application for setting aside ex-parte proceedings within a period of one month (if not already filed) failing which they shall not be entitled to benefit of the order for getting the ex-parte proceedings set aside but the same may be decided by the Court below on merits of the application(s).

- iii) Respondents No.1, 3 to 6 shall raise no objection if the petitioner is allowed to amend the plaint in terms of the application for amendment dated 26.11.2011 (Annexure P-2) as there would be *de novo* trial after permitting respondents No.1, 3 to 6 or any one of them to join the proceedings from the stage they were proceeded ex-parte in the main suit.

Disposed of accordingly.

July 26, 2017

rajneesh

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No