

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.3269 of 2017 (O&M)

Date of Decision: 27.09.2017

Manjit Singh

... Petitioner

Versus

The Superintending Engineer and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravi K. Mattoo, Advocate,
for the petitioner.

Mr. PPS Thethi, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL).

The plaintiff has filed the revision petition against the order passed by the learned trial Court allowing the application for setting aside the ex parte decree.

Learned trial Court after recording cogent reasons has held that there are sufficient grounds for non-appearance of the defendants. The Court has also noticed that the defendants in the case are officials of the Punjab State Power Corporation Ltd. It is the case of the defendants that at that time, the counsel representing them was depanelled but he did not inform them. In the present case, the Court has exercised discretion which is not shown to be perverse.

Learned counsel for the petitioner has vehemently argued that the plea set up by the defendants was false. He has referred to the letters

dated 24.04.2015, 14.12.2015 and the cross-examination of Satish Kumar Gupta, who has appeared as AW1.

I have considered the submission of the learned counsel, however, I do not agree with him.

In the present case, the counsel was depanelled. The Court while noticing the well settled principle that every party has the right to contest the case on merits, has chosen to set aside the ex parte decree.

In these circumstances, I do not find any good ground to interfere with the finding recorded by the Court.

The revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

27.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No