

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CR No.3654 of 2014 (O&M)
Date of decision: 24.08.2017

Babu Lal

..... Petitioner

Versus

Bimla Devi

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Yowan Sharma, Advocate
for the petitioner.

Mr. Abhimanyu Singh, Advocate, for
Mr. Trishu Singh, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

CM-17571-CII-2017

Dismissed as infructuous.

CR No.3654 of 2014

Defendant-petitioner has filed this revision petition against the order dated 01.05.2014, dismissing the application for setting aside the ex parte proceedings.

While issuing notice of motion, this Court passed the order dated 23.05.2014 which is extracted as under:-

“Notice of motion for 18.07.2014.

The petitioner is directed to keep written statement ready before he can press his application for consideration of the dismissal of the petition for setting aside the ex parte order.

Interim stay on condition that the petitioner deposits

₹ 10,000/- before the trial Court before 28.05.2014. If the amount is not deposited, as directed, to the credit of the case, the stay granted shall stand vacated. On such deposit, the respondent shall be entitled to withdraw the amount without any security.

Issue copy of the order dasti under the signatures of the Special Secretary attached to this Court.”

Learned counsel for the petitioner has submitted that the cost has already been deposited and the defendant-petitioner is ready to file its written statement immediately.

Taking into consideration that the suit is still pending and the plaintiff has only examined herself as plaintiff witness, therefore, the ex parte proceedings against the defendant are set aside. Defendant-petitioner shall file his written statement on or before the next date of hearing. Defendant-petitioner would be granted an opportunity to cross-examine the plaintiff. Since the suit is pending for more than three years, the trial Court shall make an effort to dispose of the suit within a period of six months from today.

Needless to say that the defendant would also get an opportunity to lead evidence after the plaintiff concludes her evidence.

Revision petition is disposed of.

24.08.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No