

HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.4430 of 2015
Date of decision:19.1.2017

Darshan Singh

...Petitioner

Versus

Joginder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Ashish Gupta, Advocate for the petitioner.
Ms.Gurjit Kaur Sandhu, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition is directed against the order dated 1.5.2015 (Annexure P-1), whereby an application under Order 9 Rule 13 of the Code of the Civil Procedure, moved by the petitioner-defendant, seeking setting aside of ex-parte decree dated 7.4.2012 was dismissed.

Notice of motion was issued.

Heard learned counsel for the parties.

When the case came up for hearing on 16.1.2017, following order was passed by this Court:-

“Learned counsel for the petitioner seeks time to get specific instructions from the petitioner, as to whether he is ready to compensate the respondent-plaintiff for getting the ex parte decree set aside.”

In compliance of the above-said order passed by this Court, learned counsel for the petitioner submitted that he has got the clear instructions to say that petitioner is ready to compensate the respondent-plaintiff with reasonable costs.

Learned counsel for the respondent-plaintiff submits that although plaintiff has suffered a lot, at the hands of the petitioner, yet he would not be averse to setting aside the ex parte decree, if he is reasonably compensated by the petitioner-defendant.

In view of the above-said fair statements made by the learned counsel for the parties, the instant revision petition is allowed. The order dated 1.5.2015 (Annexure P-1) passed by the learned trial Court is set aside, however, subject to payment of costs of Rs.20,000/- by the petitioner-defendant to the plaintiff-respondent, within a period of one month by way of bank draft in the name of the respondent-plaintiff.

Consequently, civil suit will stand restored to its original number. The learned trial Court is directed to start the proceedings from the stage when the defendant-petitioner was proceeded against ex parte. Keeping in view the peculiar facts and circumstances of the case, learned trial Court is directed to decide the suit expeditiously, granting reasonable opportunity to both the parties, in accordance with law.

However, it is made clear that in case amount of costs is not paid by the petitioner to the plaintiff-respondent within the above-said stipulated period, the present revision petition would be deemed to have been dismissed and the impugned order dated 1.5.2015 would stand revived. Parties are directed to appear before the learned trial Court on 16.2.2017.

With the above-said observations made and directions issued, the instant revision petition stands allowed, however, with no order as to costs.

19.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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