

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

CR No.5036 of 2017 (O&M)
Date of decision : 01.08.2017

Shokat Ali and others

...Petitioners

Versus

Subash Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

By way of impugned order, the First Appellate Court has remanded the application filed under Order 9 Rule 13 CPC for setting aside the ex parte decree for fresh decision.

The learned First Appellate Court has noticed that the address of the defendants given in the plaint was not correct and proper service on such address was not possible. The address of the respondents was not complete.

The learned Court has further found that the trial Court did not appreciate the facts available on the file and, therefore, the order deserved to be set aside and the trial Court was required to reconsider the matter.

Learned counsel for the petitioners has submitted that the application for setting aside ex parte decree was barred by time. Such plea

would be available to the petitioners before the trial Court at the time the court considers the application for setting aside ex parte decree after remand.

Finding no merit in the present revision petition, the same is dismissed.

01.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No