

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.847 of 2014 (O&M)
Date of decision: 01.03.2017

Kamaljit Kaur Ahluwalia

... Petitioner

Vs.

M/s Golden Organics Pvt. Ltd. and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Vikram Anand, Advocate
for the respondents.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition is directed against the order dated 15.01.2014 (Annexure P-3) passed by the learned trial Court, whereby application of the petitioner for setting aside the ex-parte proceedings, was declined.

Notice of motion was issued and passing of the final judgment by the learned trial Court was stayed.

Heard learned counsel for the parties.

Although from the bare reading of the impugned order, it is clear that the order is not suffering from any patent illegality or perversity, yet in the

interest of justice, the ex-parte proceedings deserve to be set aside to give one last and final opportunity to the petitioner-defendant to join the proceedings before the learned trial Court, so as to ensure that a manifest injustice is not caused to the petitioner.

Learned counsel for the respondent has strongly opposed the present petition, contending that the petitioner seems to be incorrigible because earlier also, he was proceeded against ex-parte on 24.02.2006 and said order was later on set aside on 04.04.2006, on the application moved by the petitioner.

No doubt, the petitioner-defendant had been negligent in pursuing the litigation. However, it is equally true that no party to the litigation should be forced to go home with the grievance that sufficient and reasonable opportunity was not granted to him to put up his best case before the Court. In this view of the matter and also to do complete and substantial justice between the parties, it would be in the interest of justice to give one more opportunity to the petitioner, however, subject to payment of reasonable costs to the respondents-plaintiffs.

In view of what has been discussed hereinabove, the impugned order dated 15.01.2014 (Annexure P-3) is hereby set aside. Application of the petitioner for setting aside the ex-parte proceedings initiated against him vide order dated 03.02.2012 and 11.4.2013 would stand allowed, however, subject to payment of Rs.30,000/- by the petitioner to the respondents-plaintiffs.

Let the petitioner pay the amount of Rs.30,000/- to the respondents-plaintiffs by way of bank draft on the date when the parties appear before the learned trial Court.

Parties are directed to appear before the learned trial Court on 16.03.2017.

Resultantly, with the abovesaid observations made and directions issued, present revision petition stands allowed, in view of the abovesaid terms.

01.03.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No