

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

**CR No.1661 of 2018 (O&M)
Date of decision : March 13, 2018**

Ram Kumar

..... Petitioner

Versus

Phool Singh Saini

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mohit Jaggi, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The petitioner has impugned the order dated 08.01.2018 (Annexure P-6) and the order dated 03.07.2017 (Annexure P-3) passed by learned Addl. Civil Judge (Sr. Divn.), Dera Bassi.

Learned counsel for the petitioner contends that summary suit was filed under Order XXXVII CPC for recovery of ₹50,00,000/- along with interest. On 03.07.2017, the defendant did not appear, despite service and he was proceeded against ex parte. The case was fixed for ex parte evidence of the plaintiff, though in such case, the decree was to follow. However, on 08.01.2018, the defendant was allowed to join the proceedings.

Learned counsel for the petitioner has further argued that the provisions of Order XXXVII CPC have not been complied with. In fact, the reply of the plaintiff was not obtained and no speaking order has been passed.

In view of the aforesaid, the impugned order dated 08.01.2018 (Annexure P-6) is set aside and the trial Court is directed to obtain the reply of the plaintiff and then pass a speaking order thereon. The impugned order dated 03.07.2017 (Annexure P-3) is also set aside and the trial Court is directed to pass a speaking order thereon.

As such, the present revision petition is disposed of.

Since the main petition has been disposed of, therefore the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 13, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No