

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

CR No.2315 of 2018
Date of decision : 06.04.2018

M/s Harsh Garv Enterprises

...Petitioner

Versus

M/s Karigari

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order dated 21.03.2018 allowing the application filed under Order 9 Rule 13 CPC and setting aside the ex parte judgment and decree dated 26.11.2015 and permitting the defendant to contest the suit on merits.

Although, learned counsel for the petitioner has vehemently argued that the defendant-respondent did not file an application by disclosing the correct facts and the evidence of defendant has not been discussed by the Court while passing the impugned order, however, this Court is of the considered opinion that in such cases, the jurisdiction of the Court while exercising the power under Article 227 of the Constitution of India is very limited.

The Courts have always been making sincere endeavour to decide the cases on merits by giving chance to the parties to contest the suit

on merits. In the present case, the learned trial Court has exercised the discretion and allowed the application filed under Order 9 Rule 13 CPC, while setting aside the ex parte judgment and decree, the Court is not required to give detailed judgment. In the present case, the trial Court, in any case, has given its reasons after examining the contents of the application, the reply and the evidence led.

In these circumstances, this Court does not find any good ground to interfere with the order passed by the trial Court, however, the defendant had already filed the written statement before he was proceeded ex parte.

Taking into consideration the aforesaid facts, the learned trial Court is directed to decide the suit expeditiously and preferably within a period of six months from the date of receipt of certified copy of the order.

Revision petition is disposed of.

06.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No