

243

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

**Civil Revision No.3048 of 2018
Date of Decision:11.12.2018**

Jasbir Kaur

.....Petitioner

Vs

Ajit Singh and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramneet Vasudea, Advocate
for the petitioner.

Mr. Vipin Sharma, Advocate for
Mr. B.R. Rana, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 24.10.2017 passed by the Civil Judge (Jr. Divn.) Rupnagar, vide which an application for setting aside the *ex parte* proceedings dated 01.05.2015 was dismissed.

[2]. Plaintiff/respondent No.1 filed a suit for declaration and permanent injunction. Petitioner/defendant No.3 was duly served with the process of the Court. Mr. Surinder Singh Advocate filed memo of appearance on behalf of the petitioner on 27.03.2015, but later on he absented from the Court on the

adjourned date i.e. 01.05.2015 and the petitioner was proceeded against *ex parte*.

[3]. Pointed allegations have been made that the absence of the counsel was on account of some mischief played by brother of the petitioner. Petitioner acquired knowledge of the aforesaid *ex parte* order only on 03.07.2017, when she sought to get the suit property renovated. Then she came to know about interim order passed by the civil Court.

[4]. An application for setting aside the *ex parte* proceedings was filed within a period of one month from the date of knowledge.

[5]. Learned counsel for the petitioner submitted that for setting aside of *ex parte* proceedings only a good cause is to be shown.

[6]. Having heard learned counsel for the parties at some length, I am of the view that the order dated 01.05.2015 passed by the Civil Judge (Jr. Divn.) Rupnagar, needs to be annulled in the interest of justice. Only one witness has been partly examined so far. Cause of justice cannot be allowed to be thrown at the verge of technicality.

[7]. In view of above, the present petition is allowed. Impugned order dated 24.10.2017 passed by the Civil Judge (Jr.

Divn.) Rupnagar is set aside. Petitioner is permitted to file her written statement and thereafter proceed to defend the suit in accordance with law.

December 11, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No