

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

CR-5484-2017 (O&M)

Date of decision : 15.2.2018

M/s Vishwas Milk Products Pvt. Ltd **Petitioner**

Versus

M/s Shiva Food Processors and another **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gourav Mohunta, Advocate for the petitioner.

Mr. Sunil K.S. Panwar and Mr. Dhananjay Singh, Advocates
for respondent No.1.

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)

Impugned in the present revision petition is the order dated 26.9.2016 (Annexure P-1), passed by learned Civil Judge (Junior Division), Rupnagar, vide which defendant No. 2-present petitioner had proceeded against ex-parte, on account of non appearance.

Respondent No. 1-plaintiff has put in appearance through counsel where as respondent No. 2 is proforma respondent. Hence, service upon respondent No. 2 is dispensed with.

It comes out that suit is pending before learned trial Court. There is only one default. Therefore, without going into the merits of the case, present revision petition was allowed and the ex-parte proceedings initiated against defendant No. 2-present petitioner are set aside, subject to

payment of costs of Rs. 30,000/- which has already been deposited by the present petitioner with the Registrar (Judicial) of this Court in terms of the order dated 18.8.2017. Let the costs of Rs. 30,000/- so deposited with the Registrar (Judicial) of this Court be paid to respondent No. 1 -plaintiff.

With the above observation, present revision petition is allowed.

(KULDIP SINGH)
JUDGE

15.2.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No