IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

123 **CR-6554-2018**
Date of decision :28th September, 2018

SHAVI THAKUR

.....Petitioner

Versus

RAMESH KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioner.

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DEEPAK SIBAL , J (ORAL)

The present petition is directed against the order dated 13.04.2018, passed by the Civil Judge (Junior Division), Dasuya, Hoshiarpur (for short, the Trial Court), through which the petitioner-defendant was ordered to be proceeded against ex-parte. Challenge is also made to the order dated 20.08.2018 through which an application filed by petitioner-defendant for setting aside the aforesaid order dated 13.04.2018 was disposed of.

Learned counsel for the petitioner submits that due to a communication gap between the petitioner and her counsel they could not appear on the aforesaid dates when both the impugned orders were passed by the Trial Court. He further submits that subject to payment of costs petitioner may be given one opportunity to join the proceedings.

Without commenting on the reasons given by the learned

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counsel for the petitioner for which the petitioner or her counsel could not appear before the trial Court but in line with the principles of natural justice as also for the reason that for the fault of her counsel the petitioner may not suffer and that if one opportunity is not granted to the petitioner, the respondent's suit would virtually be allowed by default, after setting aside both the impugned orders, the petitioner is granted an opportunity to join the proceedings before the Trial Court from the stage when the order dated 13.04.2018 was passed. Such opportunity is subject to costs of ₹20,000/- to be paid by the petitioner to the respondent.

The present petition is allowed in the above terms.

If the respondent is aggrieved by this order, he is at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

28.09.2018
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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