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

**Civil Revision No.675 of 2017
Date of Decision: 10.09.2018**

JAGIR KAUR

.....Petitioner

Vs

JAGJIT SINGH

....Respondent

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

Present: Ms. Kashika Kaur, Advocate for
Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Varun Dhawan, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 01.02.2016 passed by the Addl. Civil Judge (Sr. Divn.) Zira and the order dated 17.09.2016 passed by the Addl. District Judge, Ferozepur whereby the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 31.10.2011 was dismissed.

[2]. It appears from the record that the Courts below have proceeded with the case on the assumption that the *ex parte* order dated 24.03.2006 was never set aside and the application for setting aside the order was filed very belatedly. The record

further shows that *ex parte* judgment and decree was passed on 31.10.2011 on the basis of order dated 18.10.2011, vide which the defendant was proceeded against *ex parte*. In fact, the order dated 24.03.2006 proceeding *ex parte* against the defendant was set aside by the Civil Judge (Jr. Divn.) Zira vide order dated 05.10.2010 subject to payment of costs of Rs.200/- and the said costs was duly paid and it was so recorded in the interlocutory order dated 09.11.2016 passed by the trial Court. The aforesaid order dated 05.10.2010 setting aside the order dated 24.03.2006 has not been taken into consideration while passing the impugned orders.

[3]. At this stage, without meaning anything on the merits and implication of order dated 05.10.2010 on the nature of proceedings impugned herein, I deem it appropriate to direct the trial Court to revisit the issue with reference to the order dated 05.10.2010 and pass an appropriate order in accordance with law.

[4]. In view of above, this revision petition is allowed and the impugned orders are set aside. Both the parties are directed to appear before the trial Court on 26.09.2018.

September 10, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No