

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

C.R. No.682 of 2018

Date of Decision.02.02.2018

Pawan Kumar and another

.....Petitioners

Vs

Usha Rani and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Satbir Rathore, Advocate
for the petitioners.

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AMIT RAWAL J.(ORAL)

The petitioners-defendant No.1 and 3 are aggrieved of the impugned order whereby the application for setting aside the ex parte order dated 09.05.2016 & 21.07.2016 has been dismissed. The petitioners-defendant No.1 and 3 were proceeded ex parte in the application seeking restoration of the suit which was dismissed for default on 25.03.2016.

Mr. Satbir Rathore, learned counsel appearing on behalf of the petitioners submits that when the suit was dismissed for default, it was listed for plaintiffs' evidence. The application for restoration of the suit was allowed vide order dated 01.05.2017 but they had not been allowed to lead evidence due to ex parte orders. It is in this backdrop of the matter, the aforementioned application was filed.

I have heard learned counsel for the petitioner and appraised the paper book. The fact of the matter is that the trial Court had totally remained oblivious that the ex parte orders were passed in the application for restoration and not in the main suit and it was the suit of the plaintiffs which was dismissed in default. The trial Court would proceed further with the trial from the stage it was restored but it will not prevent other party to take all

witnesses.

With the aforementioned observations, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

February 02, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No