

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

C.R. No.7126 of 2018 (O&M)
Date of Decision.30.10.2018

Dharminder Kaur and othersPetitioners
Vs

Mehal Singh and others ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Amit Arora, Advocate
for the petitioners.

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AMIT RAWAL J. (ORAL)

This Court vide order dated 25.05.2018 passed in C.R. No.924 of 2014 allowed the revision petition of the present petitioners by setting aside the ex parte judgment and decree, subject to the following terms and conditions:-

“i) There shall be costs of ₹10,000/- which shall be a condition precedent.

ii) The parties are directed to appear before the trial Court on 17.7.2018.

iii) On appearance, petitioners/defendants No.1 to 3 shall file written statement alongwith relied documents within a period of 30 days and thereafter, replication, if any within a period of 15 days.

iv) The trial Court shall undertake the exercise of the admission and denial and frame the issues on which parties are at variance.

v) The trial Court shall afford 4-4 effective opportunities spanning for a period of two months to

each of the parties, in essence, two months to plaintiff and two months to the defendants and the parties for summoning the witnesses, will take assistance of the Court, if necessary.

vi) The trial Court shall thereafter decide the suit as expeditiously as possible preferably within a period of four months.

In the present petition, challenge has been laid to the order dated 23.08.2018 whereby defendants did not appear in pursuance to the order passed by this Court and had moved an application before the trial Court for seeking permission to defend their claim, which has been dismissed.

No explanation has come forward in the present petition to explain the delay. It appears that the petitioners-defendants had been instrumental in delaying the execution of the judgment and decree by getting the same set aside, subject to terms and conditions. Such a tardy approach cannot be allowed to be perpetuated.

No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

October 30, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No