

CR No. 7291 of 2018

DECIDED ON: OCTOBER 31, 2018

SUKHDEV @ SUKHDEV SINGH

.....PETITIONER

VERSUS

MALOOK SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Rathore, Advocate
for the petitioner.

Mr. Ashish Pannu, Advocate
for the respondent-Caveator.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been filed assailing the order dated 01.09.2018 whereby, the petitioner/defendant was proceeded ex-parte. Further, challenge is to the order dated 04.10.2018 dismissing the application under Order IX Rule 7 of the Code of Civil Procedure (for brevity 'the Code').

2. In the Execution proceedings on 01.09.2018, petitioner/defendant was proceeded ex-parte, as none appeared on his behalf. An application was made for setting aside the ex-parte order dated 01.09.2018. In the application, it was explained that the petitioner/defendant alongwith his counsel appeared in Court before lunch but was informed that the counsel for decree-holder/respondent was not present and the case would be taken up after lunch.

When he reached in the Court after lunch alongwith his counsel he was informed that he was proceeded ex-parte.

3. Notice of motion.

4. At this stage, Mr. Ashish Pannu, Advocate puts an appearance on behalf of the respondent and argued that the entire endeavour is just to delay the proceedings. He further argued that he has no objection, in case the ex-parte order is set aside, subject to costs and the petitioner be directed to join the proceedings.

5. The impugned orders dated 01.09.2018 and 04.10.2018 are set aside, subject to petitioner paying costs to ₹5,000/- .

6. It is further informed that execution proceedings are fixed for 03.11.2018. The petitioner undertakes to join the execution proceedings on 03.11.2018, the date fixed before the Executing Court.

7. Disposed of, accordingly.

OCTOBER 31, 2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No