

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

**CR No. 8715 of 2016
Date of Decision: 7.8.2018**

Amritpal Kaur

.....Petitioner

v.

Gurbachan Kaur and others

.....Respondents

CORAM HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Prateek Gupta, Advocate, for the petitioner

Mr. Vijay Sharma, Advocate, for respondent No.1 (i to iv)

DEEPAK SIBAL, J. (ORAL)

Through the present petition, challenge is made to the order dated 23.11.2016 passed by the Civil Judge (Junior Division), Patiala (for short 'the trial Court'), through which the application filed by the petitioner for setting aside ex parte order dated 5.9.2014 as also subsequent proceedings conducted by the trial Court after the passing of the ex parte order, has been dismissed.

At the very outset, learned counsel for the parties submit that since the petitioner was not served in the main Suit, the order dated 5.9.2014 through which the petitioner was ordered to be proceeded against ex parte as also all the subsequent proceedings conducted by the trial Court be set aside and subject to the following conditions the petitioner be permitted to join the proceedings in the suit at the stage when the aforesaid order dated 5.9.2014 was passed :

- (a) the petitioner shall file written statement by 31.8.2018;
- (b) the respondent/plaintiff shall file replication to the written statement filed by the petitioner, if any, by 30.9.2018;

(c) the petitioner shall complete her entire evidence by 24.12.2018 and the respondent shall lead his rebuttal evidence, if any, by 31.1.2019.

In line with the principles of natural justice and subject to the above conditions which in the facts of the present case are considered to be just and fair, the impugned order dated 5.9.2014 and all subsequent proceedings before the trial Court are set aside and the petitioner is permitted to join the proceedings before the trial Court at the stage just before the impugned order dated 5.9.2014 was passed.

The parties shall remain bound by the above timelines and no change in the same shall be allowed.

After the above timelines have been adhered to, the trial Court is requested to take a final decision in the suit within one month thereafter.

The petition is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

7.8.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No