

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

**CR No.1067 of 2017 (O&M)
Date of decision: 02.07.2019**

Vivek Sehgal

....Petitioner

Versus

Disha Rampal Sehgal

....Respondent

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

Mr. Aman Vashisht, Advocate for the respondent.

B.S. WALIA, J (ORAL)

CM No.3195-CII of 2017

CM is allowed subject to all just exceptions. Annexures P-1 to P-12 are taken on record.

CR No.1067 of 2017

Challenge in the revision petition under Article 227 of the Constitution of India is to order Annexure P-1 dated 2.2.2017 passed by the learned Civil Judge (Sr. Division), Gurugram dismissing the application moved by the petitioner-defendant for setting aside order dated 23.9.2016 (Annexure P-2) whereby the petitioner was proceeded against ex parte.

2. During the course of hearing, counsel for the parties have mutually agreed to the setting aside of the impugned order subject to payment of costs of ₹2,00,000/- by the petitioner to the respondent as also directions being issued to the learned trial Court to decide the suit for declaration (Annexure P-6) in a time bound manner after taking on record the written statement of the petitioner.

3. In view of the statement of learned counsel for the parties, the impugned order Annexure P-1 dated 2.2.2017 as well as order Annexure P-2 dated 23.9.2016 are set aside subject to payment of costs of ₹2,00,000/- by the petitioner to the respondent as a precondition to the taking of the written statement of the petitioner on record.

4. Since the petitioner was proceeded ex parte on 23.9.2016 whereafter ex parte evidence was led and thereafter, case was fixed for final arguments in December 2016, it is deemed appropriate to direct the learned trial Court to consider and decide the civil suit as expeditiously as possible preferably within a period of one year from the date the written statement is filed by the petitioner. Written statement be filed within a period of four weeks from today.

5. Parties through counsel are directed to put in appearance before the learned trial Court on 15.7.2019.

6. The revision petition is disposed of in the aforementioned terms.

July 02, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No