

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

CR No.2194 of 2016 (O&M)

Date of decision: 31.10.2019

Dharam Pal

...Petitioner

Versus

Harduari Lal and another

...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Raman Gaur, Advocate for the petitioner.

Ms. Nisha, Advocate for

Mr. S.S. Sarwara, Advocate for respondent No.1.

B.S. Walia, J. (Oral)

1. Prayer in the revision petition is for setting aside order Annexure P/2 dated 18.11.2015, passed by the learned Civil Judge (Junior Division), Rajpura as also subsequent orders passed thereon.

2. Learned counsel for the petitioner contends that vide order dated 13.10.2014, the petitioner-defendant was proceeded ex parte, whereupon, an application was filed for setting aside ex parte order dated 13.10.2014 on 29.04.2015 and on the same date, the respondent-plaintiff produced his evidence and that although the learned trial Court granted permission to the petitioner-defendant to join proceedings for the purpose of cross-examination, but in the absence of being allowed to file written statement, grave prejudice would be caused to the petitioner and the entire cross-examination would be beyond pleadings, therefore, one opportunity be granted to

file written statement on such terms as deemed appropriate by this Court.

3. Learned counsel for respondent No.1 states that she does not oppose the prayer of the petitioner for setting aside of the impugned order and for grant of permission to file written statement subject to imposition of costs and directions being issued to the learned trial Court to decide the civil suit expeditiously in view of the proceedings before the learned trial Court having been stayed vide order dated 11.04.2016.

4. In view of the position as noted above as well as statement of learned counsel for the parties, the revision petition is allowed. Impugned orders Annexure P/2 dated 18.11.2015 and Annexure P/3 dated 11.12.2015 are modified. The petitioner is permitted to file the written statement subject to payment of costs of ₹5,000/- to be paid to respondent No.1.

5. Revision petition disposed of in aforementioned terms. Learned trial Court to make efforts to decide the civil suit expeditiously.

(B.S. Walia)
Judge

31.10.2019
rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |