

CR-184-2018 (O&M)

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

**CR-184-2018 (O&M)
Date of decision : 16.01.2019**

Om Parkash

... Petitioner

Versus

Satyabir

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Varun Gupta, Advocate
for the petitioner.

Mr. J.P. Sharma, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 18.12.2017, whereby the application of the petitioner for setting aside the *ex parte* order dated 23.05.2017, submitted in the month of August 2017, has been dismissed.

Learned counsel for the petitioner submitted that the suit reached at the stage of plaintiff's evidence. The Court should have granted the opportunity to cross-examine and lead the evidence, instead of laying focus on the adjudication of the application.

Learned counsel for the respondent opposed the aforementioned prayer by supporting the impugned order, under challenge as no explanation has come forth in not moving the application within the period of limitation, thus, urges this Court for dismissal of the present revision petition.

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I am afraid the argument of Mr. J.P. Sharma, is not sustainable in the eyes of law, as the application was moved in the month of August 2017. The Court should have granted the opportunity to the petitioner to lead evidence and cross-examine the witnesses, subject to any terms and conditions. The impugned order, under challenge, suffers from illegality and perversity, much less, without jurisdiction. The present revision petition stands allowed subject to the payment of costs of ₹5,000/-, which shall be condition precedent.

16.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No