

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

**CR No.419 of 2019 (O&M)
Date of Decision : 08.07.2019**

Rachhpal Singh through Attorney Kulwant Singh
.....Petitioner

Versus

Bachan Singh through Legal Heir and others
.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Narinder S. Dadwal, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Mr. Harish Sharma, Advocate and Mr. G.S. Punia, Senior Advocate assisted by Mr. Prabhinder S. Punia, Advocate have put in appearance and filed Power of Attorney on behalf of respondents No.1 and respondents No.2 & 4, respectively, today in Court; Be kept on the record.

2. Considered.

3. The present Revision Petition is directed against the impugned Order dated 6th December, 2018 passed by the Ld. Civil Judge, Senior Division, Jagraon.

4. The Petitioner, who is Defendant No.3 in the original Suit, had filed an Application under Order 9 Rule 7 read with Section 151 of

the CPC for setting aside the *ex parte* order passed against him earlier on 9th May, 2016. However, from the relevant Order dated 9th May, 2016, it is seen that notice upon the Petitioner and his brother i.e. Defendant No.2 had not been served and the Court had presumed that they had been duly served because service had been effected upon the original Defendant No.1, who is also a brother of the Petitioner.

5. Now submission of the Petitioner is that he had no knowledge whatsoever about the pendency of the Suit, since he was not in talking terms with his brother/Defendant No.1.

6. In the given circumstances, in the opinion of this Court, an opportunity can be granted to the present Petitioner to contest the Suit at this stage.

7. The Revision Petition is, therefore, allowed after setting aside the impugned order and the earlier Order dated 9th May, 2016 and the Petitioner is granted time to file his Written Statement within one month from today, after which the Ld. Court below shall continue with hearing of the case in accordance with law and shall endeavour to finally dispose it off as expeditiously as possible and preferably within three months thereafter.

July 08, 2019

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No