

250

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

CR No. 5455 of 2018 (O&M)
Date of Decision: 15.05.2019

Ravinder Kumar and another

-Petitioners

Vs

Haryana Wakf Board, Ambala Cantt through its Estate Officer

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Mr. Athar Ahmed, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioners are aggrieved of orders dated 04.07.2016 and 06.07.2017 passed by Haryana Wakf Tribunal vide which the petitioners were proceeded against exparte and the order dated 12.07.2018 passed by Wakf Tribunal vide which the application for setting aside exparte orders was dismissed.

2. An application for setting aside exparte order dated 04.07.2016 was filed on the premise that some wrong date was noticed i.e. 23.09.2016 in place of 04.07.2016.

3. During the intervening period, the Tribunal was shifted from Sirsa to Hisar. There was no representation on behalf of respondent No.1 before the Tribunal and the order

dated 06.07.2017 came to be passed. Even service in respect of respondent No.2 was not complete.

4. In the meanwhile, an application was filed by the petitioners for setting aside exparte order dated 06.07.2017. In this way, both the applications for setting aside orders dated 04.07.2016 and 06.07.2017 were taken together and the impugned orders were passed on the premise that defence of defendant No.1 has already been struck off vide order dated 17.08.2013.

5. It is a settled principle of law that the defendants can join the proceedings from the stage at which they were proceeded against exparte.

6. In view of aforesaid, I deem it appropriate to allow the petitioners to join the proceedings from the stage at which they were proceeded against exparte in accordance with law.

7. Disposed of.

8. Both the parties are directed to appear before the Tribunal on 27.05.2019.

15.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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