

Date of Decision:20.08.2019

...Petitioners

Versus

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Mr. Ashish Gupta, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 21.02.2018 passed by the Additional Civil Judge (Senior Division), Ferozpur Jhirka (for short-the Trial Court) through which the petitioners have been proceeded against *ex parte*. Challenge is also made to the order of the Trial Court dated 21.08.2018 dismissing the application preferred by the petitioners to set aside the above referred order through which they were ordered to be proceeded against *ex parte*.

At the very outset, learned counsel for the respondent submits that he has express instructions from the respondent that subject to payment of reasonable costs by the petitioners to the respondent, the impugned order be set aside and the petitioners be permitted to join the proceedings.

After going through the impugned orders, the record of the

case; the concession given by the respondent as also for the reason that through the present petition all that the petitioners seek is to join the proceedings in a suit for specific performance filed against them and to contest the same on merits, subject to payment of ₹10,000/-as costs to be paid by the petitioners to the respondent, the impugned order is set aside and the petitioners are permitted to join the proceedings pending before the Trial Court.

The Trial Court shall ensure that the costs imposed through the present order are transferred to the account of the respondent.

The petition is allowed in the above terms.

August 20, 2019

(DEEPAK SIBAL)

JUDGE

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No