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

CR-935-2016

Date of Decision: September 17, 2019

Balwinder Kaur and another

.....Petitioners

Versus

Harbhajan Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Vishal Garg, Advocate
for the petitioners.

Mr.A.K.Garg, Advocate
for the respondents.

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NIRMALJIT KAUR, J. (ORAL)

Admittedly, the names of defendant No.3 was Balwinder Kaur and name of defendant No.4 was Sukhjinder Kaur, whereas it has been mentioned as Rajwinder Kaur @ Raj and Sukhwinder Kaur. The Civil Judge (JD), Malerkotla, while dismissing the application of the petitioners for setting aside the ex parte order has wrongly stated that the names of defendant Nos.3 and 4 were rightly mentioned, in spite of noting that the same were mentioned as Rajwinder Kaur @ Raj and Sukhwinder Kaur respectively. In the said order, there is no discussion as to whether the alleged Rajwinder Kaur @ Raj and Sukhwinder Kaur were ever served and the summons were accepted by them or what was the report on the said summons.

In view of the same, the order dated 02.01.2016 is set aside.

However, the petitioners shall now appear on the next date of hearing and be

allowed to participate in the proceedings in accordance with law. However, taking into account that the suit is of the year 2010, trial Court is directed to decide the same expeditiously and preferably within six months, even if day-to-day proceedings have to be held. However, the petitioners herein shall not delay the matter, in any manner.

Disposed of.

September 17, 2019
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |