

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1032 of 2019 (O&M)

Date of decision : 13.2.2019

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Krishan Kumar Shukla

.....Petitioner

vs.

Sushil Kumar and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

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

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H. S. Madaan, J. (Oral)

Plaintiff - Krishan Kumar Shukla had filed a suit for separate possession by way of partition by metes and bounds between the plaintiff and defendant No.1, of a property situated at Patiala, wherein defendant was proceeded against ex parte vide order dated 27.2.2018. Subsequently, Amita Shukla, a legal representative of defendant – Sushil Kumar, being his widow, had appeared and moved an application for setting aside of ex parte order and proceedings contending that when the order dated 27.2.2018 was passed, defendant No.1 was admitted in hospital and he had expired on 20.7.2018. Subsequently, on coming to know about ex parte order, the applicant had appeared in the Court and moved an application.

That application was opposed by the plaintiff. Vide impugned order, it was allowed by the trial Court. The plaintiff is feeling aggrieved by the said order.

I have heard learned counsel for the petitioner, besides going through the record and I find that it is always desirable to decide a lis on merits rather than non-suiting a party on technical grounds. The order passed by the trial Court is well reasoned one and does not suffer from any illegality or infirmity which might have called for interference by this Court while exercising the revisional jurisdiction.

There is no merit in the revision petition and the same stands dismissed.

13.2.2019
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(H.S. Madaan)
Judge

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