

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 1573 of 2019 (O&M)
Date of decision: 7.3.2019

Iqroop Singh Sekhon and another

.. Petitioners

v.

Pram Vikram Singh Kanwar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parvinder Singh, Advocate for the petitioners.
Mr. Aashish Chopra, Advocate for the caveator-
respondent No. 1.

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AVNEESH JHINGAN, J. (Oral)

The present civil revision petition has been filed being aggrieved of the orders dated 5.1.2015 passed by Civil Judge (Senior Division), Chandigarh, whereby the petitioners-defendants No. 1 and 2 (hereinafter described as 'the petitioners') were proceeded *ex-parte* and dated 29.1.2019 passed by Additional District Judge, Chandigarh dismissing the application for setting aside the *ex-parte* order.

The facts in brief are that respondent No. 1-plaintiff (hereinafter described as 'respondent No. 1') filed a suit for recovery of ₹6 crores along with interest. Upon notice, the petitioners put in appearance on 15.7.2013. Till 5.1.2015, the petitioners did not file written statement and stopped attending the proceedings. The trial court had no option but to proceed *ex-parte*. During the pendency of the suit, an application was

moved for setting aside the *ex-parte* order. The same was dismissed vide order dated 29.1.2019, hence the present revision petition.

The respondent has filed the caveat.

After arguing for some time and realising that the Court is not agreeing, learned counsel for the petitioners contends that he has instructions that the petitioners are ready to compensate respondent No. 1 who is residing in USA by paying costs of ₹5,00,000/-. Respondent No. 1 who is present in court and is verified by his counsel accepts the offer made.

In view of the above, orders dated 5.1.2015 and 29.1.2019 are set aside subject to payment of costs of ₹5,00,000/- to be paid by the petitioners to respondent No. 1 within two weeks from today. As the matter is pending since 2013, it is made clear that written statement shall be filed within two weeks from today. Thereafter, the court below shall ensure that the petitioners are not granted any unnecessary adjournment. In case any adjournment is granted, that should be subject to costs. With the co-operation of the parties, the court below shall decide the suit expeditiously but not later than six months.

It is clarified that in case of default of in payment of costs along with filing of written statement, the present revision petition shall be deemed to be dismissed.

The revision petition stands disposed of in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

7.3.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No