

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3571-2019 (O&M)

Date of decision : 29.5.2019

Allahabad Bank

..... Petitioner

Versus

Randip Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sumit Batra, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Impugned in the present revision petition is the order dated 23.10.2018, (Annexure P-4), passed by learned Civil Judge (Junior Division), Chandigarh whereby application for recalling of the order dated 9.1.2018 (Annexure P-2), was dismissed. Further impugned is the order dated 9.1.2018 (Annexure P-2), passed by learned Civil Judge (Junior Division), Chandigarh vide which application for setting aside the ex-parte proceedings were dismissed.

I have gone through both the impugned orders dated 23.10.2018 and 9.1.2018 (Annexures P-4 and P-2), respectively.

It comes out that the petitioner-Bank had filed the suit for recovery to the tune of Rs. 1,55,980/-. The defendants were already proceeded against ex-parte on 5.9.2017. On 9.1.2018, none appeared on behalf of the petitioner-bank and therefore the case which was fixed for ex-parte evidence was dismissed. An application for recalling of the said order

was also dismissed.

I am of the view that the Court should not be rigid when the public money is involved. Merely for one default of the counsel, the suit could not be dismissed and if it is dismissed it should be restored. At the most, cost should have been imposed.

As such, impugned orders dated 23.10.2018 and 9.1.2018 (Annexure P-4 and Annexure P-2), respectively passed by learned Civil Judge (Junior Division), Chandigarh are set aside. Petition is restored subject to cost of Rs. 2,000/- to be paid to the District Legal Services Authority, Chandigarh.

Petition stands disposed of accordingly.

(KULDIP SINGH)
JUDGE

29.5.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No