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

**Civil Revision No.5423 of 2018 (O&M)
Date of Decision: 02.12.2019**

Ved Parkash

.....Petitioner

Vs

Ratan Lal and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ketan Antil, Advocate for
Mr. Manish Mehta, Advocate
for the petitioner.

Mr. Munish Gupta, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 12.07.2018 passed by the Civil Judge (Junior Division) Mahendergarh, vide which the application under Order 7 Rule 11 read with Section 151 CPC was dismissed.

[2]. After hearing learned counsel for the parties, it can be seen that the trial Court vide the impugned order has dismissed the application only on account of maintainability of the application. The application was not supported by any affidavit. The defect was curable and the defendant/petitioner could have been asked to file fresh application duly supported by an

affidavit.

[3]. To the aforesaid extent, learned counsel for respondent No.1 admitted the position.

[4]. In view of factual position, it would be just and expedient to direct the trial Court to revisit the order. Consequently, the petition is allowed. The impugned order dated 12.07.2018 passed by the Civil Judge (Junior Division) Mahendergarh is set aside, however the petitioner would be at liberty to file fresh application duly supported by an affidavit.

[5]. In the event of doing so, the trial Court shall decide the same in accordance with law.

December 02, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No