

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

120

**CR No. 874 of 2020
Date of decision : 2.3.2020**

Paramjit Kaur

.....Petitioner

Vs.

Jasvir Kaur and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. B.D. Sharma, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed challenging the order dated 15.10.2019, whereby the application filed by the petitioner for setting aside the ex-parte proceedings, has been partly allowed, thereby allowing the petitioner to join the proceedings from the date of passing of the order; and not set aside the order of ex-parte as such.

Arguing the case, learned counsel for the petitioner submits that the petitioner is being represented by her power of attorney. Therefore, the petitioner was not kept fully aware of the proceedings of the suit. Only on the previous date, the petitioner came to know that she had already been proceeded ex-parte on 12.3.2018. The applicant had never absented from the Court. It is further submitted that the petitioner is also daughter of Jalour Singh and having right in his property; being his daughter. If the petitioner is not granted opportunity to properly contest the suit, then she will suffer an irreparable loss. Hence, it is prayed that the impugned order be set aside and the petitioner be granted liberty to join the proceedings right from the beginning.

Having heard Learned counsel for the petitioner, this Court does

not find any substance in the argument of the counsel. The Court below has categorically written that the applicant/defendant No.5 in the original suit is obviously, in collusion with the plaintiff. She has already filed admitting written statement, for which she had admitted the entire story put up by the plaintiff in the suit. More than the plaintiff, it is defendants No.1 to 4, who resisted the claim of the present petitioner, despite she being their co-defendant. Therefore, it is clear that the petitioner is trying to set the entire proceedings in back gear. At this stage, if the petitioner is permitted to participate from the beginning, then the process of the case will have to start from the stage of the plaintiffs' evidence. However, the entire evidence in the suit has already been completed. Still further, the issues framed in the suit do not show onus of proof qua any issue to be upon the defendant No.5. Therefore, this Court does not find any substantial reason to accept the prayer made by the petitioner and, thereby, to start the process of the suit afresh. The Court below has rightly permitted the petitioner to join the proceedings from the date of passing of the impugned order.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

2.3.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No