

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

**Civil Revision No. 2568 of 2017 (O&M)
DATE OF DECISION :- November 02, 2021**

Paramjit Kaur

...Petitioner

Versus

Manjit Singh Karde and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Harkesh Manuja, Advocate for respondent No. 1.

The case has been taken up through Video Conferencing.

This revision petition is directed against the order dated 17.2.2017 (Annexure P1) passed by the Court of Civil Judge (Junior Division), Ludhiana vide which an application filed by the petitioner for setting aside ex-parte decree had been dismissed. Another order impugned in the revision petition is dated 26.9.2016 (Annexure P-2) vide which the petitioner was proceeded against ex-parte.

Briefly stated the facts of the case are that plaintiff Manjit Singh Karde had filed a suit for separate possession of residential house and a shop besides a plot by way of partition against his real brothers Daljit Singh Karde and Bhagwant Singh Karde as well as their married sister Paramjit Kaur besides seeking declaration that alleged unregistered Will dated 5.8.1985 said to have been executed by Sh. Harbans Singh is illegal, null and void besides craving for grant of permanent injunction.

Notice of the suit was ordered to be given to the defendants. Only defendant No. 1 had put in appearance to offer a contest whereas defendants No. 2 and 3 did not appear on getting notice, as such they were proceeded against ex-parte. Subsequently an application was filed on behalf of respondent No. 3 Paramjit Kaur, who is petitioner before this Court for setting aside all the ex-parte proceedings contending that her absence was neither intentional nor wilful. That application was opposed on behalf of plaintiff vide impugned order dated 17.2.2017. The said application was dismissed with the observation that such defendant was proceeded against ex-parte on 6.8.2013 and she had moved the application for setting aside ex-parte proceedings through her attorney Harpal Singh after one year which was allowed. Thereafter again she absented from the proceedings and moved similar application which was found to be without merit. Accordingly, it was dismissed.

Feeling aggrieved by such impugned orders passed defendant No. 3 has approached this Court by way of filing the instant revision petition, notice of which has been give to the respondents. Only plaintiff respondent Manjit Singh Karde has put in appearance and is opposing the revision petition.

I have heard learned counsel for the revisionist, learned counsel for respondent No. 1 besides going through the record.

No doubt the conduct of the revisionist in not putting in appearance in the trial Court on getting notice of the suit and thereafter when on an application filed by her ex-parte proceedings had been set aside and she was allowed to join the proceedings, she had again absented from the Court thereafter moving the application which was declined for the

reason that she simply wanted to prolong the proceedings. However, it has to be kept in mind that it is always desirable to decide a lis after hearing both the parties rather than doing so relying upon the version set up by the litigant approaching the Court alone. The Court is better place to dispense justice after hearing the contestants rather than taking decision at back of the opposite party. The rules of procedure are meant to dispense ends of justice. The Courts are there to dispense justice and not to stand on technicalities. Therefore, the revision petition calls for acceptance. The same is allowed. It has been informed by learned counsel for respondent no.1 that the case is pending in the trial Court and is at the stage of evidence of defendants. The petitioner is burdened with cost of Rs.10,000/- for causing the delay, which amount be paid to the plaintiff in the trial Court. On payment of the cost, the revision petitioner shall be allowed to join the proceedings.

**(H.S. MADAAN)
JUDGE**

November 02, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No