

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

**Civil Revision-2315-2020
Date of decision: - 22.02.2021**

Gursharan Singh

....Petitioner

Versus

Ravinder Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.P. Soi, Advocate
for the petitioner.

Ms. Daljit Kaur, Advocate
and Mr. Anil Bansal, Advocate
for the respondents.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present revision petition has been filed seeking quashing of order dated 19.11.2019 (Annexure P-6) passed by the Court below by which the application of the petitioner for setting aside the order dated 08.07.2019 for proceeding ex-parte against the petitioner, has been dismissed.

Learned counsel for the petitioner argues that the petitioner is presently living in Canada and had engaged a lawyer to defend himself in respect of the proceedings, which have been initiated against him by the respondents, but, for one reason or the other, his interest was not taken

care of, due to which, the petitioner was proceeded ex-parte on 08.07.2019.

Learned counsel for the petitioner submits that after the said order was passed, an application was moved for recalling of the said order immediately and allowing the petitioner to join the proceedings, but now by the impugned order dated 19.11.2019 (P-6), the said application has been dismissed. Learned counsel for the petitioner further submits that the petitioner be allowed to join the proceedings as he is ready to compensate the delay by paying a cost of ₹25,000/- to the respondents.

Learned counsel appearing on behalf of the respondents submits that the proceedings have been initiated by the respondents for seeking maintenance and the petitioner, who is living at Canada, is not maintaining the family in any manner and respondent No.1-wife, who has already lost one kidney, has to maintain three minor children without there being any financial support from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

No doubt, the explanation which has been given by the petitioner does not justify his actions as he should have been more vigilant to see as to what is happening in the proceedings pending against him. Still, in the interest of justice, as the petitioner has already undertaken to compensate the respondents with the payment of ₹25,000/-, the impugned orders dated 08.07.2019 as well as order dated 19.11.2019 (P-6), by which the petitioner has been proceeded ex-parte and the application for recalling the said order has been dismissed, are set aside

and the petitioner is allowed to join the proceedings, subject to the payment of ₹25,000/- as costs.

Let the above-said payment be made by the petitioner to respondent No.1 by way of a demand draft. It is made clear that it is only after the said payment is received by respondent No.1, the petitioner will be allowed to join the proceedings. In case, the petitioner fails to comply with this order, the present revision petition filed by him will be treated as dismissed.

As the suit, which has been filed by the respondents, is for seeking maintenance so as to live a dignified life, the trial Court is directed to finalize the said proceedings within a period of four months from the day the petitioner is allowed to join the proceedings.

Present revision petition stands allowed in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

February 22, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No