

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 7042 of 2018 (O&M)

Sarabjit Singh

... Petitioner(s)

Versus

Lakhwinder Singh and Another

... Respondent(s)

AND

2. Civil Revision No. 7264 of 2018 (O&M)

Amardeep Singh

... Petitioner(s)

Versus

Lakhwinder Singh and Another

... Respondent(s)

DATE OF DECISION: 07.07.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Deepak Aggarwal and Mr. Veneet Sharma, Advocates
for the petitioner(s).

Mr. Anil Chawla, Advocate
for the respondents.

Anil Kshetarpal, J.

1. Both the revision petitions shall stand disposed of by a common order as the issue involved therein is identical. The learned counsel representing the parties are also same.

2. Pending first appeals, the respective petitioners were proceeded against *ex parte* on the different dates of hearing. Subsequently, their

application under Order IX Rule 7 CPC to set aside the *ex parte* proceedings

has been dismissed by the Court below on the ground that the arguments have been heard and while issuing the notice of motion, the final order in the pending first appeals were stayed in the year 2018. Now the matter would not be required to be reheard.

2. The concept of *ex parte* proceedings is with respect to *ex parte* on a particular date of hearing. The party, which has been proceeded against *ex parte*, is entitled to join the proceedings on any subsequent date from that stage. In these circumstances, the First Appellate Court should have allowed the petitioners to make their submissions in order to facilitate the decision on merits. However, on both the occasions, the First Appellate Court has overlooked the aforesaid fact. Now, after a passage of four years, both the appeals are required to be reheard.

3. Consequently, both the revision petitions are disposed of while directing the First Appellate Court to hear the petitioners before deciding the appeals.

4. The miscellaneous application(s) pending, if any, in both the revision petitions shall also stand disposed of.

(Anil Kshetarpal)
Judge

July 07, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No