

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

105

**CR-7627 of 2015 (O&M)
Date of decision: 16.09.2022**

Kailash (deceased) through his LRs and others

..Petitioners

Versus

Raghvender Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Jain, Advocate, for the petitioners.
Mr. Ashish Pannu, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

The petitioners were proceeded against ex-parte in a suit which ultimately resulted in an ex-parte judgment and decree for possession by way of specific performance of the agreement to sell.

An application filed by the petitioners for setting aside the ex-parte judgment and decree has been dismissed by both the courts below.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book as well as the documents produced before the Court

On being pointed out the material irregularities by the learned counsel representing the petitioners, the learned counsel representing the respondent submits that let the suit be re-decided after granting an opportunity to the petitioners to defend the case.

In view of the aforesaid stand, the orders passed by the courts below are set aside.

Let the petitioners contest the suit on merits while giving them opportunity to file written statement.

Thereafter, the parties will be granted opportunities to lead their evidence and cross examine the witnesses.

The parties through their counsels are directed to appear before the trial Court on 14.10.2022.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

September 16, 2022

(ANIL KSHETARPAL)
JUDGE

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>