

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

105

**CR-8980 of 2017(O&M)
Date of Order: 11.05.2022**

Vinod Kumar

..Petitioner

Versus

Charanjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rohit Ahuja, Advocate, for the petitioner.
Mr. Parminder Singh-I, Advocate, for respondent no.1.

ANIL KSHETARPAL, J(Oral)

There are as many as 28 defendants, who are already contesting the suit, filed on 12.03.2013. Most of the defendants are purchasers of some part of the property including defendant no.20 (petitioner herein).

The Court on an application filed by the petitioner to set aside an ex-parte proceedings, has permitted him to join the proceedings, at this stage. From the reading of the order, it is evident that the trial Court was of the considered view that the defence set up by all the defendants is identical, though, it was not expressed in so many words.

The learned counsel representing the petitioner contends that in a case where the application has been allowed for setting aside an ex-parte proceedings, in that case the defendant is required to be given an opportunity to file his written statement and to produce evidence.

On a Court question, the learned counsel representing the petitioner has failed to draw the attention of the Court to any different or independent defence which he proposes to take from the other defendants.

The trial of the case is at the fag end. The defendant has already been

permitted to join the proceedings at this stage. The trial Court has not set aside the ex-parte proceedings but has permitted the defendant to join at that stage.

Hence, there is no requirement of holding *de-novo* trial.

Dismissed.

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

May 11, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No