

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1720 of 2020 (O&M)

Date of Decision: 30.03.2022

Gurjeet Singh

... Petitioner(s)

Versus

M/s Kamboj Brothers

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ajay Jain, Advocate
for the petitioner(s).

Mr. Harkesh Manuja, Advocate
for the respondent.

Anil Kshetarpal, J.

1. Vide an impugned order, the Court has refused to set aside the *ex parte* judgment and decree passed on 20.09.2018.
2. The learned counsel representing the parties have been heard, at length. The learned counsel representing the petitioner contends that the procedure, as prescribed under Order V Rules 17 and 19 CPC, was not followed before proceeding *ex parte* against the petitioner. He further submits that the suit was decree within a period of two months and ten days, the date of filing of the suit.
3. Per contra, the learned counsel representing the respondent contends that the petitioner had the knowledge of the pendency of the suit, as the summons were tendered to his wife, who, on receipt thereof, refused to sign the same.

After addressing the arguments, at some length, the learned

counsel representing the parties have come to a consensus. It has been stated that let the *ex parte* judgment and decree, passed on 20.09.2018, be set aside with a direction to the trial Court to decide the summary suit, filed under Section 37 CPC, within a period of three months, from the date of their appearance in the trial Court.

5. It has also been agreed that the order of attachment, passed by the Executing Court, shall continue to operate, although the *ex parte* decree has technically been set aside, till the decision of the suit.

6. With the observations made above, the present revision petition is disposed of.

7. The parties, through their respective learned counsel are directed to appear before the trial Court on 04.04.2022.

8. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

March 30, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No