

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2316 of 2019

Date of Decision: 08.04.2022

Sham Lal

... Petitioner(s)

Versus

Punjab State Civil Supplies Corporation Limited and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Suresh Kumar Aneja, Advocate
for the petitioner(s).

Mr. Aman Sharma, Advocate
for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. While assailing the correctness of the order dated 02.03.2019, passed by the Additional Civil Judge (Senior Division), Fazilka, dismissing the application, filed by the defendant No.5 for setting aside the *ex parte* proceedings, the petitioner has filed the present revision petition.

2. The trial Court has permitted the petitioner to defend the suit by joining, at the same stage without setting aside the earlier proceedings.

3. The learned counsel representing the petitioner contends that in absence of the reply to the suit, any evidence led by the petitioner cannot be read in evidence being beyond pleadings. He submits that the ends of justice would be met if the petitioner is permitted to file a written statement. He specifically states that the petitioner does not wish to cross examine the plaintiffs' witnesses.

4. The learned counsel representing the respondent No.1 and 2 has no objection to the aforesaid proposal.

5. In view of the above, the present revision petition is allowed. Let the petitioner file written statement and to proceed with his evidence, in accordance with law.

6. The suit is pending before the trial Court for the last eight years, therefore, the trial Court is directed to make a sincere endeavour for expeditious disposal thereof, preferably within a period of four months, from today.

(Anil Kshetarpal)
Judge

April 08, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No