

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

CR-2830-2021 (O&M)

Date of decision: 07.09.2022

Jagjiwan Singh

...Petitioner

Versus

Ramandeep Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagat Vir Dhindsa, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

Despite the service of notice, the respondents have not entered appearance.

The petitioner herein is defendant no.4 in a suit filed by the plaintiff for grant of decree of permanent injunction restraining the defendants from interfering in his possession or forcibly dispossessing him from 22 kanals and 10 marlas of land. While impleading the petitioner as defendant no.4, he was reflected as resident of Village Daba. He was served through his brother Sh.Tejwant Singh, as the petitioner was not present at the spot.

The petitioner was proceeded against ex parte. An application filed by the petitioner to set aside the proceedings has been dismissed by the trial court on the ground that it has been filed after a period of 5 years.

Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook. He submits that the petitioner and Sh.Tejwant Singh are not on speaking terms for quite some time and the petitioner is residing in building no. 62/1-A,

Main Road, G.T.Road, Daba Road Ward no.71, Kabir Nagar, Ludhiana.

The petitioner, even if proceeded against ex parte, can join the proceedings, at any stage. However, he intends to file a written statement in order to protect his interest. The suit is with regard to 22 kanals and 10 marlas of land. The suit is at the stage of the plaintiff's evidence and one witness has been examined by him.

The rules of procedure are handmaid of justice. Such rules are required to be applied in order to advance the cause of substantive justice rather than hampering it.

Keeping in view the aforesaid facts, let the petitioner file written statement within a period of two weeks, from today. The trial court is requested to provide an opportunity to the petitioner to cross-examine the plaintiff's witness who has already been examined.

With these observations, the petition stands disposed of.

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

07.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE