

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

CR No. 6099 of 2022

DATE OF DECISION :- December 21, 2022

Manav Breweries Pvt. Ltd. and another

...Petitioners

Versus

M/s Imperial Malts Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ashish Garg, Advocate
and Mr. Rajesh Gupta, Advocate for the petitioners.

By way of filing the present revision petition, petitioners Manav Breweries Pvt. Ltd. New Delhi etc. seek issuance of direction to the trial Court of Civil Judge, Sr. Division, Gurugram to expedite proceeding in application under Order 9 Rule 13 CPC filed by the revision petitioners for setting aside the ex-parte order dated 5.10.2013 and ex-parte judgment and decree dated 23.12.2013.

The plaintiff had filed a suit for recovery against defendants. On getting notice of the same the defendants had appeared and filed written statement contesting the suit. Issues on merits were framed. The plaintiff adduced evidence. The defendants also adduced evidence to some extent. However, on 5.10.2013, the date fixed by the trial Court for production of record by DW1 Amit Jaiswal, there was no representation on behalf of the defendants, as such they were proceeded against ex-parte. After more than

two months of passing of the order, ex-parte judgment and decree had been passed.

After about nine years, the defendants have filed an application for setting aside of ex-parte order and ex-parte judgment and decree on 12.9.2022.

I do not find that the proceedings are being conducted by the trial court at slow pace or issuance of any direction to the Court to expedite the proceedings is called for, looking into the conduct of the revision petitioners themselves who have approached the Court for setting aside the ex-parte order as well as judgment and decree after such a long time.

Therefore, no ground is made out. The Revision Petition is dismissed accordingly.

(H.S. MADAAN)
JUDGE

December 21, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No