

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CR No. 8079 of 2015 (O&M)

Date of Decision : 20.02.2023

Chanderwati

...Petitioner

Versus

Shyamlal Vidya Mandir

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jasleen Kaur, Advocate for
Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Diwan S. Adlakha, Advocate for the respondent.

Harsimran Singh Sethi J. (Oral)

CM-25292-CII-2015

Application is allowed, as prayed for.

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Learned counsel for the petitioner argues that without giving any valid reason in the impugned order dated 11.08.2015, not only the ex-parte order but even the ex-parte decree has been withdrawn so as to allow the application filed by the respondent to participate in the proceedings. Learned counsel for the petitioner further argues that the ground given in the said application is that the respondent had engaged a lawyer, who had unfortunately died and due to the said fact, they were proceeded ex-parte and they had no knowledge of the order dated 19.03.2012 of being proceeded ex-parte or the final decree passed on 20.11.2014.

Learned counsel for the petitioner submits that without there

being any evidence on record to support the said contention of the respondent and without dealing with the said contention, by a cryptic order, the order dated 19.03.2012 as well as the final decree dated 20.11.2014 has been withdrawn, which is totally arbitrary and illegal.

Learned counsel for the respondent fairly concede the factum that in the impugned order, no reason has come forward for allowing the plea. Learned counsel for the respondents submits that he will have no objection, in case the said impugned order is set-aside and the case is remanded back for passing a fresh order in accordance with law.

Keeping in view the above, as the learned counsel for the respondent himself has conceded that the impugned order dated 11.08.2015 cannot be sustained, the same is set-aside and the case is remanded back to the trial court for passing appropriate order afresh in accordance with law by giving due reasons for the conclusion to be arrived at.

Present civil revision petition is allowed in above terms.

February 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No