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

CR-1859-2023

Date of Decision: 27.03.2023

Sukhwant Kaur (since deceased) Through LRs. and others

.....Petitioners

Versus

Ramnik Kaur and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ivan Singh Khosa, Advocate
for petitioners.

Mr. Rajat Malhotra, Advocate
for respondent/caveators.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 07.02.2023 (Annexure P-1) passed by Ld. Civil Judge (Jr. Division), Ludhiana, whereby an application filed by respondent No.1 under Order 9 Rule 13 of CPC was allowed and the suit was restored to its original number.

2. Vide impugned order the Ld. trial Court has recalled the *ex parte* judgment and decree against all the defendants though the application was filed only by defendant No.3 (respondent No.1 herein). Petitioners/plaintiffs being aggrieved have filed the instant revision.

3. Heard.

4. At the outset, just as this Court was set to dictate its order, both the learned counsel are *ad idem* that the impugned order be modified only *qua* the defendant/respondent, who had moved the application and the *ex parte* decree against her may be set aside. Accordingly, the *ex parte* judgment and decree passed by Ld. trial Court is set aside only *qua* defendant No.3 and Ld. trial Court is requested to decide the case afresh on merits only *qua* her vis-à-vis the plaintiffs.

5. Disposed of in the above terms.

6. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 27, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No