

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

146

2023:PHHC:140202

**CR-2065-2023 (O&M)
Date of decision: 03.11.2023**

MOHINDER SINGH (DECEASED) THROUGH HIS LR ..Petitioner

Versus

STATE BANK OF INDIA ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Kumar Chauhan, Advocate
for the petitioner.

Mr. Rakesh Gupta, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the defendant in a plaintiff's suit for recovery of Rs.9,29,700/-. The petitioner was proceeded against ex parte on 04.10.2019. The correctness of the aforesaid order has been challenged in this revision petition. The learned counsel representing the petitioner while referring to an application (Annexure P-3) submits that an application for setting aside the ex parte order passed on 04.12.2019, was filed before the trial Court, however, the same has not been decided.

2. On the other hand, the learned counsel representing the respondent has produced the copy of the order dated 29.01.2020, in which it has been recorded that the defendant (petitioner herein) never filed an application for setting aside the ex parte proceedings.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. At the first instance, the defendant (petitioner herein) is required to file an application for setting aside the ex parte proceedings

before the trial Court.

5. Keeping in view the aforesaid facts, the revision petition is disposed of with a direction to the trial Court to decide the application for setting aside ex parte order, if any, filed.
6. All the pending miscellaneous applications, if any, are also disposed of.

November 03rd, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*