

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

Civil Revision No.3150 of 2023

Date of Decision: 22.05.2023

Smt. Parvati Devi

...Petitioner

Versus

Devendra Singh & Anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ashish Chopra, Senior Advocate with
Ms. Rupa Pathania, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner-defendant No.1 (here-in-after to be referred as 'defendant No.1') has laid challenge to the order dated 18.04.2023 (Annexure P-1) passed by learned Civil Judge (Junior Division), Gurugram (for short 'the trial Court') in Civil Suit No. 18094 of 2014 titled as '***Devendra Singh vs. Smt. Parvati Devi & Anr***', whereby the application (Annexure P-5) moved by her under Order 9 Rule 7 read with Section 151 CPC with a prayer to set aside the *ex-parte* order dated 02.04.2014 (Annexure P-2), has been dismissed.

2. I have heard learned Senior counsel for the petitioner-defendant No.1 in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Though defendant No.1 had been proceeded against *ex-parte* on 02.04.2014 vide order Annexure P-2 on account of her failure to appear in the

Court on that day but keeping in view the facts that if she is deprived from contesting/defending in the above-referred Civil Suit, she would suffer an irreparable loss that may further result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if she is afforded the opportunity to contest/defend in the said Civil Suit for its proper and effective adjudication but subject to the payment of cost to respondent No.1-plaintiff.

4. Resultantly, without issuing the notice to the respondents so as to avoid any further delay in the trial of the afore-said Civil Suit and also to avert the expenses that they may have to incur to defend in the instant revision petition, the impugned order dated 18.04.2023 (Annexure P-1) is set aside and application Annexure P-5 is allowed to the effect that the *ex-parte* order dated 02.04.2014 (Annexure P-2) is also set aside, subject to the payment of the cost of Rs.25,000/- by defendant No.1 to respondent No.1-plaintiff on 24.05.2023, i.e the next date of hearing as stated to have been fixed in the said Civil Suit. The revision petition in hand stands allowed accordingly.

5. However, it is further clarified that in the eventuality of any of the respondents feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest the present petition.

22nd May, 2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No