

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

Sr. No.114

**CR-4070-2022 (O&M)
Date of Decision: 28.04.2023**

NACHHATAR KAUR

....Petitioner

Versus

KESAR SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. R.S.Baweja, Advocate
for the petitioner.

Mr. Mohit Shukla, Advocate
for respondent No.1.

Ms. Gauri, Advocate, for
Mr. Mayur Karkra, Advocate
for respondents No.2 to 5.

ARCHANA PURI, J

Challenge in the present revision petition is to the order dated 08.08.2022, passed by the Court below, whereby an application filed by the petitioner/defendant No.5 for setting aside the *ex parte* order dated 06.11.2018 (Annexure P-2) had been dismissed.

During the course of the arguments before learned Lower Court, it was pointed out by learned counsel for the respondents that he has no objection, if the application for setting aside the *ex parte* order dated 06.11.2018, is allowed and despite the said statement, so recorded by learned counsel for the respondents, the application had been dismissed vide the impugned order.

Perusal of the copy of plaint, which is Annexure P-3, reveals

that initially Kesar Singh had filed a suit for specific performance of agreement to sell dated 28.05.2015, in which the present petitioner was impleaded as defendant No.5 and was allegedly having a role of subsequent purchaser. In the given circumstances, to adjudicate the controversy between the parties, the present petitioner, Nachhatar Kaur is an essential party.

Considering the same and in view of the statement, got recorded by learned counsel for the respondents before learned Lower Court, to adjudicate the matter and while watching interest of all the parties to the lis, without prejudice to the rights of the parties, the instant revision petition is accepted and the impugned order dated 08.02.2022 and ex parte proceedings conducted vide order dated 06.11.2018, are hereby set aside and the petitioner/defendant No.5 is directed to join the proceedings on the next date fixed before learned Lower Court, which is stated to be 24.05.2023, subject to payment of Rs.10,000/- as costs, out of which Rs.5,000/- shall be deposited with the concerned District Legal Services Authority and the remaining Rs.5,000/- shall be paid to the respondent No.1/plaintiff.

Accordingly, the instant revision petition stands disposed of.

28.04.2023

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**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No