

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

108

2023:PHHC:049303
CR-3837-2022 (O&M)
Date of decision: 11.04.2023

Navneet Gupta

..Petitioner

Versus

M/s Vivek Enterprises and another

..Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

NIDHI GUPTA, J (Oral)

Prayer in this Revision Petition is for setting aside order dated 10.08.2022 passed by the learned Civil Judge, Sr. Division, Faridabad vide which application of the petitioner/defendant for setting aside of ex parte order dated 16.05.2019, has been dismissed.

Learned counsel for the petitioner submits that the petitioner was proceeded against ex parte on the very first day i.e. 16.05.2019, after his service. At the very outset, learned counsel submits that one effective opportunity may be granted to the petitioner to join the proceedings, as grave injustice will be caused to him if he is not permitted to do so.

After hearing learned counsel for the petitioner, issuance of notion of motion is dispensed with at this stage, as it will cause further delay in the case. Accordingly, keeping in view the above facts as canvassed by Id. Counsel for the petitioner, this petition is allowed and impugned order dated 10.08.2022 is set aside. The learned Court below is directed to grant one effective opportunity to the petitioner to join the proceedings and defend his case, however subject to payment of Rs.5000/- as costs to the plaintiffs-respondents.

Disposed of as above. Pending application, if any, also stands disposed of.

**(NIDHI GUPTA)
JUDGE**

11.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No