

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR-5944 of 2023(O&M)
Date of Decision: 06.10.2023

Nirmal Singh

...Petitioner

Versus

Malkiat Singh & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Munish Jolly, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner to set aside the impugned order dated 05.09.2023 (Annexure P-4) passed by the Court of Civil Judge (Jr.Divn.), Khanna in civil suit No. 300/2016 titled Malkiat Singh Vs. Purshottam Dass & Ors., whereby an application filed by petitioner/ defendant No.64 for setting aside *ex-parte* order dated 10.12.2021 has been dismissed.

2. Admittedly, in the present case the petitioner failed to appear in the trial Court at the initial stage when notice of the suit was issued to him and consequently he was proceeded against *ex-parte* vide order dated 10.12.2021. The petitioner filed an application for setting aside of the said order at belated stage when the suit was fixed for evidence of defendants. The counsel for the petitioner failed to explain as to why the petitioner did not appear in the trial Court at the earlier stage. On this the counsel for the petitioner submits that the petitioner is aged about 85 years and will be

satisfied if the petitioner is allowed to join the proceedings in the suit at this stage.

3. In light of the above, the present petition is hereby disposed of without commenting on the merits of the case and permission is granted to the petitioner to join the proceedings before the trial Court at this stage. However, it is made clear that no permission has been given to the petitioner to file his written statement.

4. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

06.10.2023

Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No