

2023:PHHC:144608
**146 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-6361-2023 (O&M)
Date of decision: 14.11.2023

Rakesh Kumar Jain

...Petitioner

Versus

Vinita Mehta and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Dinesh Rawat, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is defendant no.3 in a plaintiff's suit for possession by way of the specific performance of the agreement to sell. He was proceeded against ex-parte vide order dated 31.01.2019. His application under Order IX Rule 7 of the Code of Civil Procedure, 1908 to set aside the ex-parte proceedings has been dismissed by the trial court.
2. Learned counsel representing the petitioner submits that he is not being permitted to join the proceedings.
3. This Court has considered the submissions made by the learned counsel representing the petitioner. If the defendant is proceeded against ex-parte on a particular date of hearing, then the proceedings which took place on that date of hearing would not stand nullified. If an ex-parte proceeding is set aside against the defendant, he is entitled to be restituted to the same situation when

he was proceeded against ex-parte. However, the defendant, who has been proceeded against ex-parte, is entitled to join and participate in the future proceedings. This satisfies the learned counsel representing the petitioner.

4. With these observations, the present petition is disposed of.

5. All the pending miscellaneous applications, if any, are also disposed of.

14.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE