

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
259 **CR-8308-2019 (O&M)**
Date of decision: 10.05.2023

Roshni Devi

...Petitioner(s)

Vs.

Rampat & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gulshan Nandwani, Advocate
for the petitioner.

Mr. Devender Arya, Advocate
for respondents No.2 to 5.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff-petitioner seeking setting aside of order dated 09.12.2019 passed by learned Additional Civil Judge (Senior Division), Kosli, District Rewari (Annexure P7) whereby application filed by respondents herein, has been allowed and order dated 09.05.2017, whereby it was directed that the respondents herein be proceeded against ex-parte, has been set aside subject to payment of Rs.3,000/- as costs.

2. Learned counsel for the petitioner submits that ex-parte order was dated 09.05.2017 whereas application for setting aside the said order was filed by the respondents only on 20.02.2019 i.e. after a period of almost two years. It is submitted that therefore, impugned order deserves to be set aside.

3. In response, it is submitted by learned counsel for the respondents that the petitioner had accepted costs of Rs.3,000/- as awarded by learned trial Court while passing the impugned order.

4. Learned counsel for the petitioner is unable to deny this fact however, refers to order dated 06.01.2020 passed by Co-ordinate Bench of this Court wherein while issuing Notice of Motion this Court has observed that “...Rs.3000/- is not enough for the damage done to the plaintiffs in their cause by reason of delay.” Learned counsel for the petitioner submits that accordingly, some reasonable costs be imposed upon the respondents.

5. It appears that Rs.3000/- is not sufficient costs to compensate the petitioner for the damage done to her cause by reason of the delay of almost two years caused due to the recalcitrance of the erring defendants. In the aforestated circumstances, in my view, it will be fair and just to impose additional costs of Rs.10,000/- upon the defendants (in addition to the costs of Rs.3000/- already imposed upon them vide the impugned order), to be paid by respondents herein to the petitioner within four weeks from today.

6. Revision Petition accordingly stands **disposed of**.

7. Pending application(s) if any also stand(s) disposed of.

10.05.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No