

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

Civil Revision No. 7592 of 2023(O&M)

Date of Decision: 15.12.2023

Parminder Singh

...Petitioner

Versus

Ravinder Singh Sanghera & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Zorawar S. Chauhan, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. This civil revision petition has been filed by the petitioner/defendant No.1 against the order 09.10.2023 passed by the Court of Civil Judge (Sr.Divn.), NRI Court, Jalandhar, whereby an application filed by the petitioner for setting aside of *ex-parte* proceedings against him in Civil Suit titled Ravinder Singh Vs. Parminder Singh & Anr., has been dismissed but liberty is given to the petitioner to join the proceedings in the said civil suit from the date of passing of the said order.

2. The counsel for the petitioner submits that the petitioner is a NRI and is permanent resident of England and his publication was effected in Times of India directing him to appear before the trial Court on 09.05.2023. No such publication notice was received by the petitioner in England. Thus, the order dated 09.05.2023 whereby petitioner was proceeded against *ex-parte* is totally erroneous. The petitioner came to know about the pendency of civil suit in second half of July, 20023 and immediately thereafter an application was filed by the petitioner on 27.07.2023 for setting aside of *ex-parte* order dated 09.05.2023. However,

the said application was dismissed by the learned trial Court vide order dated 09.10.2023 (Annexure P-1), in an illegal manner and the said order deserves to be set aside.

3. I have considered the submissions made by counsel for the petitioner.

4. It is always the desire of the Courts that the parties should contest the litigation on merits. Admittedly, in the present case petitioner is permanent resident of England and his service was effected through publication in Times of India and as per counsel for the petitioner the said newspaper is not widely circulated in England. In the given circumstances, there are sufficient grounds to set aside the *ex-parte* proceedings against the petitioner even if there was delay in filing of the application for setting aside of *ex-parte* proceedings. Further, the suit appears to be at its initial stage and is fixed for evidence of plaintiff/ respondent No.1. It being so, no prejudice is going to be caused to the plaintiff if the petitioner is allowed to file his written statement.

5. For the foregoing reasons, the present petition is allowed and the *ex-parte* proceedings against the petitioner are set aside and petitioner is permitted to file his written statement within a period of next four weeks, subject to costs of Rs.15,000/- to be paid by the petitioner to the plaintiff on the next date fixed in the suit.

6. 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

15.12.2023
Jiten

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