

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

CR No.4111 of 2023

Mange Ram

.....Petitioner

Versus

Ramesh Kumar & Anr

.....Respondents

Date of Decision: 09.01.2024

CORAM: HON'BLE MR. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gaurav Gaur, Advocate for the petitioner.

SUDEEPTI SHARMA, J

Petitioner in the present petition has impugned order dated 02.05.2023 (Annexure P.1) passed by learned Civil Judge (Jr. Division), Yamuna Nagar whereby application moved by the petitioner for setting aside ex parte order dated 27.01.2017 has been dismissed.

Learned counsel for the petitioner contends that ex parte order dated 27.01.2017 was passed without proper service of summons. He further contends that non-appearance of petitioner was neither intentional nor deliberate. As soon as the petitioner came to know about the proceedings, he immediately filed application for setting aside ex parte order dated 27.01.2017, which has been dismissed vide the impugned order. He prays for grant of one opportunity to enable him to defend himself since the case is fixed for 10th of January 2024.

I have heard learned counsel for the petitioner and perused the paper book with his able assistance.

Without going into the merits of the case and taking into consideration the peculiar facts & circumstances of present case and after perusing his application for setting aside ex parte order dated 27.01.2017,

this Court to avoid multiplicity of litigation deems it appropriate to grant one opportunity to the petitioner to defend his case.

Accordingly, petition is allowed. Order dated 02.05.2023 (P.1) passed by learned Civil Judge (Jr. Division), Yamuna Nagar is set aside. The petitioner is granted one last opportunity to plead his case by participating in the proceedings, which are pending before the learned court below. The Civil Judge (Jr. Division), Yamuna Yagar is directed to hear the petitioner before passing any final order.

Disposed of accordingly.

January 09, 2024

(Sudeepti Sharma)

manoj

Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No